



Private Sector Housing Assistance Policy

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1. **INTRODUCTION**

This policy explains the way in which the Council provides financial and other assistance to owners and occupiers of private sector housing within the district.

The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 came into force on 18 July 2002, repealing much of the prescriptive legislation governing the provision of housing assistance. It introduced wide ranging powers to provide assistance for housing renewal, significantly based on local needs and achievement of strategic objectives. However, mandatory Disabled Facilities Grants continue largely unchanged.

The increased flexibility allows for new and innovative approaches to housing repair and renewal and will require regular review together with the overall Housing Strategy.

The Council's Private Sector Housing Assistance Policy was effective from 18th July 2003 and will be subject to regular review. Revised versions will be produced when significant changes occur, e.g., to the type of assistance available. This is the first revised version, effective from 24th February 2005.

This policy document limits itself to consideration of works of repair, improvement or adaptation etc rather than enabling housing provision in the first place which will be considered through the Housing Strategy.

Extracts from Central Government publication "Housing Renewal Guidance"

"Poor quality housing can have an impact on the health of the occupants and on the quality of life in an area. The Government's view is that it is primarily the responsibility of homeowners to maintain their own property. However, the Government is committed to improving housing quality across all tenures including the owner occupied sector and fully accepts that some homeowners, particularly the elderly and most vulnerable, do not have the necessary resources to keep their homes in good repair. Local authorities therefore have an important role to provide assistance in these cases".

"The Order is not intended to bring about the wholesale replacement of grants with loans. The Government would also consider that an authority was failing in its duty as a housing enabler and in its responsibility to consider the condition of the local private sector stock if it did not make some provision for (private sector housing) assistance."

Office of the Deputy Prime
Minister
July 2002

It is in this context that the Council has produced its private sector housing assistance policy.

2. THE LOCAL CONTEXT

- 2.1 The District of East Herts is 477 square kilometres in area and had a population of 129,000 at the time of the 2001 census, an increase of 10.9% in 10 years. This compares to an increase of 5% for the county as a whole, and 2.5% for England and Wales. The Black and Minority Ethnic population accounts for less than 1% of the population of East Herts. The area is 15 miles north of London. One in three of the District's population lives in small villages and hamlets, of which there are over 100. The District's five towns are Bishop's Stortford, Sawbridgeworth, Buntingford, Hertford and Ware. East Herts benefits from amongst the lowest unemployment rates in the UK (0.8%) and one of the lowest crime rates in the country, and the lowest in Hertfordshire. The local economy is based on the service sector. The growth of Stansted Airport has had a major impact on the area. House prices are high, and the demand for housing considerably outstrips supply.
- 2.2 According to the Land Registry in May 2003 the average price of a flat or maisonette in the District was £142,900 and a terraced house £179,400. The average price of all properties in the District was £224,500; this compares to £220,000 for the whole of Hertfordshire and £188,800 for the South East of England. By 31st March 2004, the Land Registry data for average price for all dwellings in the District during the year had risen to around £242,777.
- 2.3 According to the DETR Indices of Deprivation 2000, East Herts is ranked as 344 out of 354 districts in England, with 354 being the least deprived district. The average gross weekly full time adult salary in East Herts is £443, compared with £409 for the UK, and £530 for London. If adjusted to take account of residents working in London, the Hertfordshire figure increases from £461 to £478.
- 2.4 There is a clear affordability problem in East Herts for low-income households. The East Herts Housing Needs Survey 2000 concluded that the private rented sector is not accessible to lower paid workers unless they can contribute a very high proportion of their disposable income. The survey also concluded that first time buyers earning £25,000-£30,000 per annum could access cheaper flats and terraces, dependent upon availability and condition, with income of £30,000-£35,000 required for access to average terraced housing. By May 2003, a key

worker needs an income of around £30,000 to purchase a property through the starter home initiative.

- 2.5 A survey of the condition of private sector housing using a sample of randomly selected stratified properties was last undertaken in 2004. The key findings extended for the total private sector stock are summarised as follows:

Table Key facts from Private Sector Stock Condition Survey

• Total private dwellings in the District	55576
• Total private households	54636
• Total number of owner occupied houses	42116
• Rate of unfitness	3.0%
• Rate of unfitness plus those in worst repair	9.25%
• Dwellings fit but needing substantial repair (£1,000 plus needed)	12871
• Cost of giving unfit houses a minimum 10 year life	£17.2m
• Cost of improving houses needing substantial repair	£87.8m
• Percentage of private sector vacant dwellings	1.7%
• Percentage of vacant dwellings which are unfit	19.6%

The survey updated the key facts from the previous survey in 1997, and also measured the stock against the proposed Health and Safety Rating System, and the Decent Home Standard.

- 2.6 Individual properties which are unfit or in substantial disrepair are found throughout the district, rather than in pockets of deprivation in certain wards, although the House Condition Surveys found increased incidence in Bishop's Stortford and the rural areas. Following transfer of the Council's housing stock in 2002, the private rented sector, including Housing Associations, provides 23% of homes in the Council's area. In line with the rest of the country the area has an ageing population with increasing demands to remain independent in their own homes whilst local, national and international issues place emphasis on the reduction of fuel poverty and global warming. A significant proportion of the District's unfit homes are considered to be in the privately rented sector or owned by those on low incomes and/or over 60 years of age.
- 2.7 The priorities and options for the policy were discussed at workshops during the council's housing conference in March 2003, where key stakeholders addressed

housing priorities for East Herts. In addition, all those attending the conference received a questionnaire. Questionnaires were also sent to grant applicants, placed at receptions, and on the council's website. Responses indicated strong support for a "people based" policy, particularly supporting vulnerable people. Other important themes for support included empty properties, private rented accommodation and affordable rents, and energy efficiency. There was a strong preference to continue with grants, not just loans, particularly targeting the smaller grants for repairs. There was fairly strong support for requiring repayment of grants upon sale of the property, and strong support for considering equity, though there was uncertainty as to whether people would take out a loan, and nervousness about repayment terms. Other maintenance initiatives, such as a handyman service and evening home improvement workshops were very popular. Assistance to acquire a more suitable home was very popular, for which the preferred level of assistance was £10,000, repayable if the recipient sells the new home within five years. Key themes from the workshops were that the schemes should be simple, and should also help the "nearly poor", i.e., those just outside benefit levels.

2.8 It is on these key foundations that this Private Sector Housing Assistance Policy is constructed.

MAP OF ADMINISTRATIVE AREA



3. POLICY IMPLEMENTATION PLAN

This Private Sector Housing Assistance Policy became operational on 18th July 2003 and will be subject, as a minimum, to annual review through the overall Housing Strategy processes, whilst regular review of the Council's Corporate Priorities and Best Value Performance Plan will also influence possible future developments.

Performance within this policy domain will be reported in line with corporate reporting of National Performance Indicators (PI's) and Local P.I's to the Council's Members. See appendix 2.

It is intended that this policy should remain in force for a minimum of 1 year prior to any major review and that amendment should only be necessary in case of significant change to policy items. Minor changes will be made to the document by the Head of Health and Housing in consultation with the Director of Neighbourhood Services, without the need for formal ratification where such changes make no significant difference to policy or service provision, e.g., there is no change to grant assistance offered but there is a name change etc. Where amendments produce significant change to policy or service provision those amendments will require approval by the Council.

The Private Sector Housing Assistance Policy will be amended to reflect any changing needs of the local community and/or its homes. Such information will be conveyed to the Council by various means including stock condition surveys, last conducted for the private sector in 2003/4. The latest time a major review and full update of the Private Sector Housing Assistance Policy will be undertaken will be during 2008.

There may be 'external' factors which require major review earlier than anticipated, e.g.

- Changes to Capital Spending Plans
- Acute changes to local circumstances
- National policy/legislative changes
- Local Strategic Partnership influences
- Issues identified by the stock condition survey.

In fact, a review was undertaken in the light of the findings of the 2004 House Condition Survey, and experience gained since the policy was introduced in July 2003, and the policy was updated in February 2005.

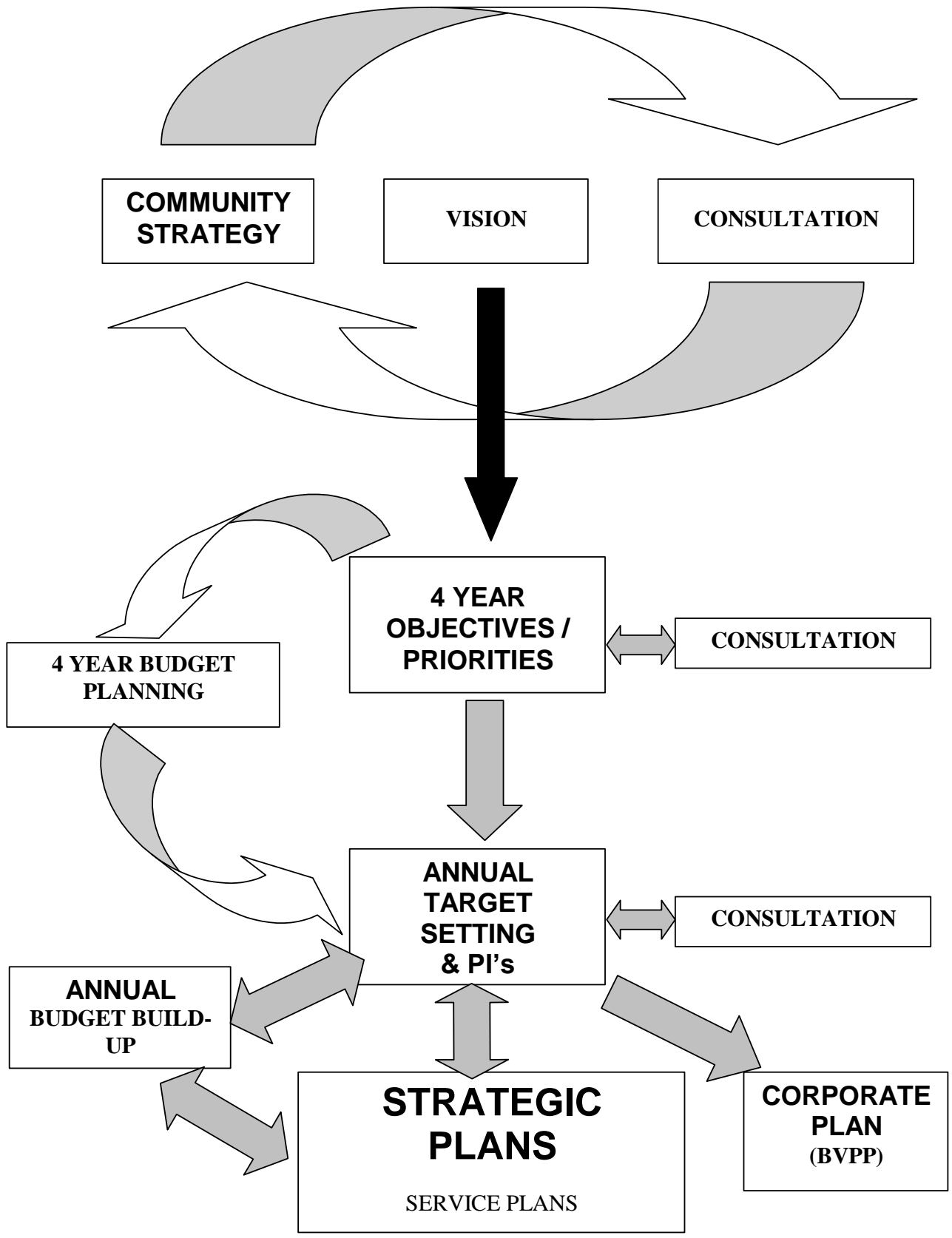
In implementing this policy the Council will make reference to all relevant national legislation and guidance currently in place or introduced during the life of this policy. The guidance issued for Housing Renewal will be of particular relevance especially where it deals with Fitness Enforcement, Neighbourhood Renewal Assessment and re-affirms conditions etc relating to Mandatory Disabled Facilities Grants.

The change in methodology of assessing statutory fitness of housing to the 'Housing Health and Safety Rating System' is expected to be implemented in the life of this policy as is the introduction of a Houses in Multiple Occupation licensing scheme. The new introductions will affect the process behind this policy but will not necessarily in themselves create significant change in the policy.

4. MEETING KEY STRATEGIC AND SERVICE RELATED AIMS AND OBJECTIVES

- 4.1 The Council carries out its responsibilities using various strategies, plans and policies which must not only serve to inform each other but also inform and be informed by partner organisations, e.g., Primary Care Trust and the Local Strategic Partnership.

There is a hierarchical arrangement of these strategies and plans, which must not be considered individually but must work together to achieve overall strategic aims and objectives. A simple illustration of this hierarchical arrangement is shown below, the arrows indicating flows of information.



STRATEGIC PLANNING AND PERFORMANCE MANAGEMENT

<p>4.2 The information in this item details the aims and objectives relating to private sector housing to be found in strategies and plans of the Council. These contribute to the Council’s vision “to improve the quality of people’s lives and preserve all that’s best in East Herts”.</p>	
<p><u>Strategy/Plan</u></p>	<p><u>Aim/Objective Of Relevance To This Policy</u></p>
<p>4.2.1 <u>Community Strategy</u></p> <p>This Council has a local area approach to developing its Community strategy. Areas connected with each of 5 towns have in turn developed a local plan, building up to a plan for the whole community. 11 draft main themes have been jointly identified for the Local Strategic Partnership.</p>	<p>Vulnerable young people</p> <p>Supporting vulnerable adults</p> <p>Older people</p> <p>Affordable housing</p> <p>Decent and safe housing</p> <p>High quality environment</p> <p>Social inclusion</p> <p>Crime prevention</p> <p>Promoting healthy lifestyles</p>
<p>4.2.2 <u>Corporate Priorities</u></p> <p>The Council has adopted a set of four-year corporate priorities and objectives. These are implemented through an integrated set of strategic plans, which detail the measures to be taken to achieve the objectives. Single issue corporate strategies, (such as the Housing Strategy, or the Asset Management Plan) also work towards achieving the Council’s stated priorities.</p>	<p>Protect and provide support to the most vulnerable members of our community, in partnership with others.</p>
<p>4.2.3 <u>Best Value Performance Plan</u></p> <p>This is the reporting mechanism for key performance indicators and actions. The following priority is stated in our 2002 BVPP.</p>	<p>We will respond in a strategic way to the challenges of providing good quality affordable housing for local people.</p>

<p>4.2.4 <u>Environmental Health Service Plan</u></p> <p>The Regulatory Services Plan has been produced to implement and monitor performance against the Council's stated priorities and targets. The Environmental Health Service Plan brings this, and other statutory and service requirements to an operational level. The aim of all EH services including housing is shown.</p>	<p>To protect and enhance the environment and the health, safety and well-being of all who live, work or visit the district.</p>
<p>4.2.5 <u>Service Strategies</u></p>	
<p>4.2.5.1 <u>Housing Strategy</u></p> <p>This is the umbrella corporate strategy for housing, which is annually reviewed and updated, and submitted to Government Office for the Eastern Region, for assessment.</p>	<p>Through the Home Improvement Agency, establish a Disabled Persons Property Register.</p> <p>Target action to improve performance against the national performance indicator for bringing empty properties back into use.</p>
<p>4.2.5.2 <u>Energy Conservation Strategy</u></p> <p>This was first produced when the Home Energy Conservation Act became law in 1996, and is aimed at reducing domestic energy usage. Part of the strategy is the Council's Environmental Policy, which requires specific consideration of environmental objectives when decisions are taken. A strategy to tackle fuel poverty was added in 2001.</p>	<p>EP2. To promote and assist, where possible, the reduction of energy consumption in homes.</p> <p>EP39. Ensure, as far as possible given its existing powers, that all homes in the District are fit for human habitation, adequately heated, and free from damp.</p> <p>To promote and administer grants for a range of energy efficiency measures.</p> <p>FP: Target energy awareness and advice towards the most vulnerable members of the community.</p> <p>FP: Work with others to assist affordable warmth.</p>

<p><u>4.2.5.3 Empty Homes Strategy</u></p> <p>This strategy was developed alongside the development of this housing assistance policy, and was adopted by the Council in September 2003.</p>	<p>The Best Value action plan for private sector housing grants includes a target to bring 10 empty properties back into use each year. With the appointment of an Empty Homes Officer, this target has since increased.</p>
<p><u>4.2.5.4 Supporting People Strategy</u></p> <p>This is a County strategy, which initially supports existing services, and as it develops, East Herts needs to promote further private sector housing initiatives.</p>	<p>To ensure that high quality Supported Housing is available for those who need it and where it is needed within Hertfordshire.</p>
<p><u>4.2.5.5 Community Safety Strategy</u></p>	<p>To make the District's five town centres safer.</p> <p>To tackle local community problems, in particular issues relating to young people.</p> <p>To reduce levels of domestic burglary.</p>
<p><u>4.2.5.6 Economic Development Strategy</u></p> <p>The relevant objective in the Economic Development Strategy 2002/5 is stated</p>	<p>To continue with the work of supporting and maintaining the District's current success inter alia through the work of the Council's regulatory and statutory functions and its other strategies such as the Cultural Strategy and Community Plan.</p>
<p><u>4.2.5.7 East Herts Local Plan</u></p> <p>The written statement of the First Deposit version of the East Herts Local Plan Second Review, is available for viewing on the Council's website. It contains the following policies of particular relevance to this policy:</p>	<p>HSG10 Lifetime Homes</p> <p>HSG11 Conversion of Buildings for Residential Use</p> <p>HSG15 Houses in Multiple Occupation</p> <p>GBC10 Adaptation and Re-use of Rural Buildings</p> <p>GBC11 Change of Use of an Agricultural Building</p> <p>STC7 Living Over the Shop</p>

4.3 East of England Regional Housing Strategy 2003-2006

In addition the East of England Regional Housing Strategy 2003-2006 includes the following key regional priorities:

- To ensure everyone can live in a decent home at an affordable price.
- To contribute effectively to social inclusion within sustainable communities
- To enable housing to contribute fully to ensure good health and promote health equality
- To use housing investment to complement sustainable economic development
- To contribute to a sustainable environment.

To achieve these, the following priorities are included in the strategy for the London Commuter sub region:

- To pursue initiatives and options to identify and meet the specific housing needs of intermediate income households
- To move towards decent homes standards in the private rented and owner occupied sectors
- To maintain independence for vulnerable people through effective private sector housing strategies
- To provide flexible homes which allow family growth and study/working from home
- To maximise energy efficiency.

4.4 NATIONAL PLANNING GUIDANCE

4.4.1 Planning Policy Guidance PPG3 "Housing", March 2000

The local plan is set in the context of governments planning policy guidance PPG3 "Housing", March 2000. Pertinent parts, particularly for empty properties and conversions are:

paragraph 2... (including...)

- plan to meet the housing requirements of the whole community, including those in need of affordable and special needs housing;...
- give priority to re-using previously-developed land within urban areas, bringing empty homes back into use and converting existing buildings, in preference to the development of greenfield sites;....

paragraph 13... (including...)

- ...Local assessments should consider not only the need for new housing but ways in which the existing stock might be better utilised to meet the needs of the community...

paragraph 21...(including...)

The Government is committed to promoting more sustainable patterns of development, by:...

- ...making more efficient use of land by maximising the re-use of previously-developed land and the conversion and re-use of existing buildings;...

paragraph 23...(including...)

- The national target is that by 2008, 60% of additional housing should be provided on previously-developed land and through conversions of existing buildings....

paragraph 41 RE-USING BUILDINGS/CONVERSIONS

- Conversions of housing, buildings formerly in other uses and the upper-floor space over shops, can provide an important source of additional housing, particularly in town centres. Local planning authorities should adopt positive policies to:
- identify and bring into housing use empty housing, vacant commercial buildings and upper floors above shops, in conjunction with the local authority's housing programme and empty property strategy and, where appropriate, acquire properties under compulsory purchase procedures; and
- promote such conversions, by taking a more flexible approach to development plan standards with regard to densities, car parking, amenity space and overlooking.

4.4.2 The Government's plan for the communities, "Sustainable Communities: Building for the Future"

The Government's plan for the communities, "Sustainable Communities: Building for the Future" published on 5 February 2003 together with the regional plan for the East of England, contain actions of relevance to the Housing Assistance Policy. These include support for people who wish to move into home ownership, including affordable homes for key workers, and action on empty properties. For the East of England, the government seek to address problems of high and rapidly rising house prices and their impact on the recruitment and retention of staff, particularly close to London and around Cambridge but spreading deeper into the region.

5. RESOURCING THE PRIVATE SECTOR HOUSING ASSISTANCE POLICY

The operational provision of services from the private sector housing assistance policy will primarily be undertaken through the Environmental Health Unit and its partners.

The revenue costs are substantially salary orientated together with grant support to the Home Improvement Agency. East Herts Council currently contributes £30,000 each year to the Papworth Trust to run the agency, together with additional funding for specific services, such as the Handyperson and Care for Energy services.

Capital allocated for all grants, including Mandatory Disabled Facilities Grants, and Energy Grants for 2005/6	£765,000
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The capital funding of assistance for approved works substantially comes from the Council's own resources although central government directly reimburse 60% of all expenditure on mandatory disabled facilities grants. The allocation of capital funding towards works on the private sector housing stock is dependant on the other possible areas of capital spend, particularly Local Authority Supported Housing Grants to Housing Associations or spend on other Housing Strategy initiatives. The capital funding allocated to private sector housing renewal may be spent on initiatives within this policy or other areas specified by statute, e.g., Compulsory Purchase.

6. TYPES OF ASSISTANCE AVAILABLE

The types of assistance available can be broken down into three broad categories of advice, financial and enforcement.

6.1 Advice

The Council's officers will, except where statute states otherwise or there is an imminent risk to health or safety, attempt to resolve all issues through processes of education and awareness raising to enable property owners to undertake their responsibilities in an environment of understanding the needs and benefits of such action.

In addition the Council will undertake specific targeted education campaigns in order to achieve certain objectives, e.g., understanding of the need to maintain your home and implement energy conservation measures.

The provision of advice and encouragement may or may not also involve financial assistance. Since the policy was first launched in 2003, the Council, with partners, developed the handyperson service, now operated by Papworth Housing Advice Service – East Herts, for vulnerable residents. During the time of this policy, the Council will be considering, with partners, the further development of this service, and home maintenance evening workshops.

6.2 Financial Assistance

Financial assistance may involve the award of a grant, loan or merely the offering of financial advice, either directly or through a third party.

6.2.1 Grants

The Council may offer the following grants subject to terms and conditions:

- Mandatory Disabled Facilities Grants
- Discretionary Disabled Facilities Grants
- Discretionary Decent Home Grants
- Discretionary Energy Grants
- Discretionary Landlords Grants
- Discretionary Relocation Grants

6.2.2 Loans, Equity Release etc

During the first year of operation of the policy, the Council investigated the potential for including loans and equity release schemes in its package of assistance measures. To facilitate this, grant applicants will be required to provide details of their equity in the property. This, and the 2004 House Condition Survey showed considerable potential for equity release, although some barriers to securing it were apparent.

6.3 **Enforcement**

Enforcement action will not generally be the first response to minor contraventions of legislation, and any enforcement action will be undertaken in accordance with the Environmental Health Enforcement Policy, and the government's Good Enforcement Concordat. The need for formal enforcement may be brought about by various factors such as the severity of a problem, imminent risk, previous history, confidence in a landlord, public interest etc.

7. THE GRANT APPLICATION PROCESS AND HOW TO ACCESS IT

The Council's policy on assistance takes into account the responsibility of owners to maintain their own properties, but also considers ability so to do and vulnerability of different groups, as well as other factors in determining eligibility criteria and terms and conditions. Those who qualify for assistance will be given every opportunity to access the process through full dissemination of information at Council points of contact and those of partner organisations, such as the Home Improvement Agency.

A summary of this policy will be provided at such outlets and electronically on the Council's website where customers will be able to register an initial enquiry on line. A copy of the Council's Private Sector Housing Assistance Policy will be offered to all potentially interested organisations, e.g., Age Concern etc.

The application process will start when a potential applicant makes initial contact and enquires as to possible assistance. The initial contact will be recorded on the computerised grants administration system, advice given as required, and if the desired works are likely to receive support, an enquiry pack will be dispatched. This will require the potential applicant to provide information about their income, savings, existing mortgages and loans, to enable a provisional assessment to be carried out of their ability to fund the works, and the most appropriate funding mechanism. The only exception to this is energy grants. This preliminary assessment of resources is dispensed with where the applicant is in receipt of a specified income related benefit. An officer will make a home visit to all respondents, except where the work or the applicant obviously would not qualify for any assistance. In such cases, advice will be offered. Help is available for those who need it to complete the application form, and where necessary, a home visit may be arranged for an officer of the Council, or the Home Improvement Agency to visit to complete the form with the applicant.

During an officer visit, the work involved will be assessed and the most suitable type of assistance considered. In the event of assistance being likely, the formal application pack will be sent to enquirers who are prepared to fund their own likely financial contribution (if any) after a provisional assessment of means.

The second stage of the application process will be the completion of the formal application pack including appropriate certificates and agreement with terms and conditions etc., as well as the required number of estimates/quotes. When a complete application is received, the Council may approve a grant based on the estimate provided or the lowest estimate of more than one if required/requested. The level of any grant approved may be the total cost of agreed works or where the applicant can raise some funding of their own, the difference between the value of their own funding and the total cost of agreed works.

It should be noted that enquiries/applications by landlords will be subject to an alternative means of assessing the applicant's resources. The method to be used is detailed in section 8.5.2, 'The Landlords Means Test', however the principles of accessing the process remain the same.

The result of the second stage of the process will be conveyed to applicants in writing.

Application process for Energy Efficiency Grant

There is no means test for these Energy Efficiency Grants. The applicant contacts the Council, and an application form is sent to the client. Upon receipt of the completed form, the application is processed and an approval letter is sent if the application is successful. As with other grants, works cannot be started prior to the approval of the grant. The exception to this is if the applicant chooses to access the Council's approved discount scheme, where there is a simplified process as value for money is assured by the scheme.

8. GRANT DETAILS

8.1 Mandatory Disabled Facilities Grants

The Council will award mandatory disabled facilities grants according to the governing legislation and guidance issued by central government which determines, amongst other things, the type of work that can be funded, the maximum contribution that may be made, and the test of financial resources that must be made; request our information leaflet for more detailed information. These remain a priority within our strategy for assistance.

8.2 Discretionary Disabled Facilities Grants

The Council will consider applications for discretionary disabled facilities grants, up to a maximum of £10,000, or £15,000 for relocation, as well as or instead of mandatory grants, subject to its own terms and conditions and the national means test of resources utilised for mandatory disabled facilities grants.

In 2008, legislation clarified that access to gardens is eligible for mandatory Disabled Facilities Grants. The Council will consider the particular circumstances and any relevant statutory guidance when determining such grants. Where the Occupational Therapist recommends works to provide access to the garden, the Council will generally seek to provide such grant as is sufficient for reasonable access to the garden, yard and outhouses if necessary, but this may not necessarily include works to enable access to the whole garden, or to every outhouse where it is clear that the disabled person does not need such access.

Applications within this heading will be considered for the following outcomes:

- a. Increasing the grant paid for mandatory disabled facilities grant work by up to £5000 when the reasonable cost of the required work exceeds the set maximum limit.
- b. Adapting or providing a room for the use of a housebound person with a disability for the purpose of working from home or receiving specialised care or medical treatment which, on specialist advice, is best delivered at home. Other works to provide a complete solution for people with a disability, on specialist advice, and subject to authorisation by the Head of Health and Housing. For

example, this may include the provision of accommodation, where lacking, for a live-in carer, where this presents the best long-term complete solution.

- c. Assisting the person with a disability to move to a more suitable property where it is more cost effective than adapting the current home even though the new property may need some adaptation, subject to specialist advice and authorisation by the Head of Health and Housing.
- d. To pay (up to £10,000 of) the calculated means tested contribution towards a mandatory Disabled Facilities Grant, where the applicant has made a previous contribution to a Decent Home Grant, within the same timescales and with the same provisions as would apply for successive mandatory Disabled Facilities Grants.

8.3 **Discretionary Decent Home Grants**

8.3.1 **Eligible people:**

The Council will consider applications for discretionary decent home grants from owner occupiers and qualifying tenants, subject to its own terms and conditions.

8.3.2 **Eligible works:**

These are discretionary grants towards the cost of works to help homes meet the Government's Decent Homes Standard, i.e., to be free from category 1 hazards as defined by the Housing Health and Safety Rating System, be in reasonable repair, have reasonably modern facilities and services, and have adequate heating and insulation. Eligible premises will therefore be failing any of these criteria.

Applications within this heading will be considered for the following outcomes:

- a) Essential repairs, such as to make the property wind and weathertight, or to repair dangerous electrical installations. Seriously defective boilers and sanitary facilities may also be dealt with under this disrepair criterion. Reasonable repair will be considered in relation to the age, character and location of the property.

Decent Home Grant Assistance for works within the curtilage but not part of the dwelling house itself, shall be limited to £1000, increasing to £3000 where the household contains a vulnerable person, i.e., in receipt of a qualifying benefit as defined for the Decent Home Standard, and vulnerable in relation to HHSRS guidance for the relevant hazard. Where this does not cover the full cost, priority will be given to works to remove hazards.

- b) Upgrading of facilities and services such as kitchens and bathrooms where there are 3 or more significant failures under this definition within the standard, or where necessary to make the house fit and in reasonable repair. Assistance to meet the Decent Home Standard criterion of providing “reasonably modern facilities” is only available to those falling within the government’s target definition of vulnerable household.
- c) Providing a satisfactory internal arrangement, as part of a larger grant, or as required to remove an acceptable risk as assessed by the Housing Health and Safety Rating System.
- d) Up to £1000 of energy efficiency works, such as loft, tank, pipe and cavity wall insulation, and improved heating systems and controls. Boilers deemed to the satisfaction of the Council to be beyond repair or inefficient, such as those over 20 years old, may be replaced with a more efficient boiler. (Note: applicants are expected to make use of discounted national and local schemes, such as Warm Front, where appropriate.)

Those falling within the government’s target definition of vulnerable household may be allowed the full cost of renewing old inefficient boilers, i.e., the £1000 cash limit is removed for this group.

The £1000 limit is increased to £2000 for energy efficiency works in hard to heat homes, i.e., those where the construction may preclude the installation of standard cost-effective insulation measures.

- e) Grant to install or extend central heating will only be available to households containing a vulnerable person (i.e., in receipt of at least one of the principal means tested or disability related benefits, as defined by the government at the time for the Decent Home Standard). This item is subject to specified energy conservation works also being carried out.

- f) Provision of one or more dwellings by conversion of a house or other building.
- g) Renovation of properties/flats above shops etc that have been empty for at least 6 months to bring them back to a condition suitable for occupation.
- h) Up to £1000 of Home safety/security improvements, such as the provision of door chains, door viewers, upgrading to 5 lever mortice locks on external doors, door bolts, window/patio door locks and home safety, e.g., a smoke alarm, for private sector residents in receipt of a specified income related benefit, and with a vulnerable person in the household (i.e., who is either aged under 16 or over 60, or disabled), as part of a larger scheme approved as in a) to g) above.
- i) Up to £2000 for adaptations/improvements of a dwelling for the benefit of a person with a disability, to enable them to remain in or return to their own home, or to enable them to reside in another's property, where the Council is satisfied that the works would not be more appropriate for either mandatory Disabled Facilities Grant (such as if the disabled facilities grant process would cause undue delay), or assistance under The Chronically Sick and Disabled Persons Act, (e.g., for very minor works costing less than £250). Applicants must be in receipt of a specified income related benefit.
- j) To improve Houses in Multiple Occupation kitchen and bathroom facilities and/or fire precaution/escape works, at the discretion of the Environmental Health Manager, where fire escape/precaution works are statutorily required.
- k) Reasonable assistance with temporary accommodation may be provided if necessary while works are being carried out.

In all cases, the Council will determine whether the works are reasonable and practicable, and whether assistance is appropriate.

8.3.3 Amount of Assistance:

The Council will consider the cost of all proposed work in the light of eligibility of work and reasonableness of costed items on estimates/quotations, subject to a maximum limit for assistance in any three years, of £30,000.

The grants are means tested. The amount of the grant will depend on an assessment of the applicant's ability to pay for the eligible works themselves.

Applicants in receipt of specified income related benefits, currently Income Support, Income Based Job Seekers Allowance, Pension Credit, Housing Benefit, or Council Tax Benefit, will pay no contribution to the eligible cost of works. For all others, the applicant's contribution, if any, will be assessed using the statutory test of financial resources for mandatory Disabled Facilities Grant.

In order to enhance assistance for households on low income, i.e., just outside income related benefit levels, the Council will pay with the grant, contributions calculated by this method to be less than £5000.

Any grant to priority 1 key workers, as defined by this Council, will include the first £10,000 of the applicant's calculated contribution, where the household's joint annual income does not exceed £35,000.

Applicants who have secured employment within the district as a Priority One Key Worker, may also be offered an interest free loan of up to £10,000 towards their means tested contribution for renovation works to a property which has been empty for more than six months prior to purchase, for use as their home. This loan is to be repayable to the Council on the sale of the property.

Enquiries for very small items of work may be considered for referral to the Home Improvement Agency if appropriate.

The following grants will apply according to the outcome of the national means test:

<u>Applicants Contribution Required</u>	<u>Grant Arrangement</u>
<i>I <u>Nil Contribution. (includes those receiving specified income related benefits)</u></i>	– The Council may offer a full grant for the total cost of agreed works, up to a maximum grant of £30,000. The first £5000 of specified energy efficiency works and agency fees, or grants of less than £5000 will not be recovered on sale.
<i>II <u>Contribution up to £5000</u></i>	– Full grant as above, including the amount of the applicant's contribution.
<i>III <u>Contribution over £5000 up to</u></i>	– The Council may offer a grant for the total

£30,000

AND

iv Contribution over £30,000

cost of agreed works, less the applicants calculated contribution, up to a maximum grant of £30,000.

- The Council may offer a grant for the total cost of agreed works, less the applicant's calculated contribution, only where satisfied that the applicant cannot raise the funding by other suitable means.

8.4 **Discretionary Energy Grants**

Home owners and private sector tenants not eligible for a Decent Home Grant, may apply for an Energy Grant, for £50 per measure or 50% of the cost of the work which ever is the least, up to a maximum grant of £150. These grants are subject to the Council's terms and conditions. Eligible works are energy efficiency works, such as loft, tank, pipe and cavity wall insulation, and improved heating systems and controls, but not replacement boilers.

8.5 **Discretionary Landlords Grants**

8.5.1 **Eligible works**

The Council will consider applications for Discretionary Landlords Grants up to a maximum of £30,000 for any of the outcomes listed at 8.3.2 a) to k), subject to its application process, terms and conditions and landlords means test.

- a. Landlord's grants are conditional upon them carrying out as part of the scheme any energy efficiency works (generally loft and cavity wall insulation) specified by the Council as being necessary. Once any contribution has been calculated, energy works are included for grant without any percentages being applied.
- b. **NB.** Landlords may apply on behalf of their tenant/s for a mandatory or discretionary disabled facilities grant; all eligibility criteria and terms and conditions must be met for the grant applied for, including means testing in relation to the people with disabilities and not the landlords means test.

8.5.2 **The Landlords Means Test**

The test of resources required for a landlords means test needs to recognise the operation of a business by the landlord rather than the maintenance of a home for owner occupiers and certain categories of tenants. It is the primary responsibility of the landlord to maintain the fabric of the structure and ensure the house, flat, room etc is fit for tenants to live in.

There are circumstances where the Council will consider providing assistance to landlords, up to a maximum of £30,000 for grants.

The Capital Valuation method

The Landlords means test requires that they provide, from a recognised independent valuer, a written valuation of the subject property at the time of application and an estimated value of the property after works have been completed excluding any estimated capital appreciation over the period works would be carried out. The cost of gaining such valuations may be included in the calculation of assistance although no payment will be made towards such costs where no grant is approved or agreed works are not completed.

When a landlord's application is complete three separate values/costs will be known:

A = Current Capital Value of Property

B = Cost of Agreed Works

C = Estimated Improved Value of Property

The means test formula is as follows:

$$\frac{A + B}{C} \times 100 = X$$

Where X is 100 or more the grant will be 50% of the cost of agreed works.

Where X is 50-99 the grant will be 25% of the cost of agreed works.

Where X is less than 50, **or where the applicant does not provide valuations**, the grant will be 25% of the cost of agreed works, up to a maximum grant of £5000.

A grant of 50% or 25% of the cost of agreed works may be increased by an additional 10%, to 60% or 35%, where the landlord grants the Council tenancy nomination rights for 10 years.

Where a grant assistance package is appropriate the applicant will be required to make a formal application.

The Council will consider other factors, such as confidence in the landlord's standard of management of the premises, and history of compliance with legislative requirements. The Environmental Health Manager has discretion to refuse or reduce the amount of grant calculated as above, where these considerations indicate grant aid would not be appropriate.

9. PRIORITISATION FOR DISCRETIONARY ASSISTANCE APPLICATIONS

Priority will be given to mandatory disabled facilities grants. Where resources for discretionary grants are limited, the Council will direct resources to those areas which best meet its strategic objectives. Priorities are listed below in descending order of priority:

1. To make premises free from significant hazards.
2. To bring premises up to a reasonable standard of repair.
3. To improve energy efficiency.
4. To bring empty properties back into use.

Amongst the other forms of assistance which may be offered, priority will be given to households containing a vulnerable person, and where other suitable forms of assistance are not available.

10. **TERMS AND CONDITIONS**

These terms and conditions form part of the Councils Private Sector Housing Assistance Policy and will be applicable to all elements of it, except where otherwise stated, and in so much as the terms and conditions applicable to Mandatory Disabled Facilities Grants are set by statute determined by central government and followed by local authorities. Therefore, these terms and conditions are not applicable to Mandatory Disabled Facilities Grants although some may be the same as those which are applicable to such grants, details of which are separately available.

The terms, conditions and eligibility criteria for discretionary grants detailed within this policy will be set down in writing for all grant applicants.

- 10.1 **In making an application for assistance, when applicants sign the application form they are agreeing to all the terms and conditions as detailed by the Council.**
- 10.2 **Information provided** to the Council by applicants as part of the application process will be checked thoroughly and may be shared with other departments of the Council and other organisations involved in any aspect of handling public funds to prevent and detect fraud or in investigation of other possible criminal activities.
- 10.3 Applications or enquiries will only be accepted on the **prescribed forms** of the Council.
- 10.4 Applicants must be **18 years of age or older** at the date of application and in the case of joint applications one must be over 18 at the date of application.
- 10.5 Applicants for assistance which require a means test or an enquiry to be made of the commercial financial markets for availability of loans or equity release etc., will be required to complete **details of financial circumstances** on a form provided by the Council requiring answers to pre-set questions. In completing this form applicants will be required to sign a declaration as to the accuracy of information provided and that of supporting paperwork, e.g., wage slips and accounts etc. The Council will routinely carry out cross checks on information provided; item 10.2 above will apply to all such information. Applicants who have within the previous 12 months applied for an income related benefit will be asked to authorise the

provision by the relevant agency of the full statement of calculation of the benefit entitlement.

- 10.6 No application shall be accepted for a discretionary decent home grant, other than for disabled adaptations, for a property which is, by construction or conversion, **less than eleven years old**.
- 10.7 No application will be accepted for works required to reinstate any **dwelling designated as defective** under Section 528 or 559 of the Housing Act 1985, although applications for other types of work to defective dwellings will be considered, e.g., for a disabled facilities grant.
- 10.8 All applications for assistance must be accompanied by an **owner/occupation certificate** or a **certificate of intended letting**, which state the applicant has or proposes to acquire a qualifying interest in the property subject to the application for assistance. In addition the following separate requirements for the different certificates:

Owner Occupation Certificate: that throughout a period of 10 years from the completion date she/he or a member of the family intends to live in the dwelling as their only or main residence.

Intended Letting Certificate: that throughout a period of 10 years from the completion date the property will be let or available for letting as a residence, not a holiday home, to a person/s not related or connected with the owner of the dwelling for which assistance is being received.

Proof of title shall also be required to enable property ownership to be confirmed, and **consent of any mortgagee** will be needed.

- 10.9 It is the **applicant who employs** the builder to undertake agreed works and the Council has no contractual liabilities in that relationship as its role is only to administer the grant process.
- 10.10 The **applicant** is ultimately responsible for ensuring the quality of the completed works; the responsibility can be passed on to an agent of the applicant, e.g., an architect or a Home Improvement Agency.

- 10.11 If an applicant submits an **estimate/quote from a member of their family** who then carries out the agreed works the grant will only be paid on the basis of the cost of materials and not labour.
- 10.12 Upon conclusion of discretionary decent home grants it will be expected that the property is **free from significant hazards**; any exception to this will require the authority of the Environmental Health Manager.
- 10.13 Applications from tenants for Discretionary Decent Home Grants must be from **qualifying tenants** who according to the terms of their lease are responsible for the work for which assistance is being sought.
- 10.14 In the case of applications initiated by a qualifying tenant they must be accompanied by a **tenants certificate** stating that the applicant is a qualifying tenant of the dwelling and that she/he or a member of the family intends to live in the dwelling as their only or main residence. A tenants application must also be supported by the landlords completion of a **certificate of intended letting** unless such is not forthcoming and the works are required to remove risk to the tenants health and/or safety. In all other circumstances work to a property will require the **owners written authority** and that of the mortgagee.
- 10.15 Applicants for discretionary Decent Home grants must have been either owners or qualifying tenants of the property concerned for a period of **1 year prior to the date of application**, except for works to empty properties, or where the applicant is buying a property for the first time, or is moving to be near relatives in a rural area.
- 10.16 An application for a disabled facilities grant will only be considered complete and then processed when it is accompanied by an **Occupational Therapist's report** recommending the necessary works. It would be normal and beneficial for such a report to be provided at the commencement of the enquiry/application process.
- 10.17 An application for assistance towards **works that have already been completed** will not be processed. Any part of works not commenced, which would otherwise have been considered for assistance may be processed for possible grant assistance as long as work is not commenced prior to formal approval. However, works necessary to make the dwelling fit or to comply with an enforcement notice requiring works to make the house fit or in reasonable repair, may be commenced

prior to formal approval, with the prior agreement of the Environmental Health Manager.

- 10.18 The details of **means testing** referred to in individual grant descriptions shall apply to all applications made accompanied by an owner-occupier's certificate, by tenants and any for disabled facilities grants. In the case of any application accompanied by a certificate of intended letting then the landlords means test shall apply, see Section 8.5.2.
- 10.19 The amount of **grant payable** shall be the actual cost of undertaking the works plus any associated fees, less any owners etc contribution, up to the total value of the grant approved. Additional funding will only be provided above the original approval level in the event of unforeseen work being needed to allow completion of eligible works or associated works of a nature to protect the health and safety of occupiers, or evidenced increases in costs to the contractor from their suppliers etc. A formal re-approval to a higher level of assistance will be required before any payment above the originally approved level is paid.
- 10.20 All **payments** shall be conditional upon receipt of an acceptable invoice and made direct to the appropriate contractor following agreement with the applicant that works to the appropriate stage have been satisfactorily completed. In a situation of dispute between the applicant and contractor, which is not resolved in a reasonable time period the grant, or part thereof, may be paid to the applicant, agent or contractor at the discretion of the Council.
- 10.21 The Council will include the cost of **preliminary or ancillary services fees and charges** within the calculation of assistance; each submission of fees will be individually considered for reasonableness. The payment of any such fees is conditional on a grant being approved and the completion of all specified works, otherwise the Council will not be held responsible for any fees incurred before or after approval.
- 10.22 The Council will consider requests for **interim payments** such that no interim payment will normally be for more than 90% of the cost of completed work and in aggregate no more than 90% of the total approved amount before final completion.
- 10.23 The Council will determine on each approval document the **time period allowed for works** to be completed, which will not normally exceed 12 months and may be significantly shorter for small items of work.

- 10.24 The grant **works must be carried out** by one of the contractors whose estimates/quotations were submitted as part of the application process, unless otherwise agreed by the Council, the grant having been calculated using the lowest priced estimate/quotation.
- 10.25 The **number of estimates/quotations** accompanying an application for assistance for works costing in excess of £1,000 shall be at least two whilst at or below £1,000 at least one estimate/quotation, but normally two, shall be provided. Three quotations will normally be sought for works costing more than £5000. The Council reserve the right to ask for more estimates/quotations if they are not satisfied with those submitted, or to accept a single quotation where two would normally be required for work from specialist contractors, or for works of less than £5000, where the Environmental Health Manager is satisfied that best value is achieved and obtaining more quotations is not necessary or practical in the circumstances.
- 10.26 Where an **applicant's circumstances change** or are confirmed as different from originally stated, after approval is issued, such that approval would no longer be given, then the grant approval will be cancelled and no payments made, or no further payments made where interim payments have already been paid, except in exceptional circumstances when the Head of Health and Housing may give authority to provide further funding so as to conclude work at a suitable and appropriate stage. Where payments have been made, the local authority may demand repayment together with compound interest from the date on which payment was made until repayment, at such reasonable rate as the Council may determine.
- 10.27 In any case where **financial circumstances** at the time of application are later confirmed differently to those submitted by the applicant/s such that after approval a new processing of information would lead to reduced assistance or denial of assistance then the original approval will be amended/cancelled and the local authority may demand repayment together with compound interest from the date on which payment was made until repayment, at such reasonable rate as the Council may determine to recover any over payment. In such circumstances the local authority may choose to cancel the whole approval or demand repayment of all monies paid, plus compound interest, despite the fact that a reduced level of assistance would have been approved, where it is felt the degree of error in the

applicant completing the original means test forms is such to suggest a deliberate attempt to deceive.

10.28 In certain circumstances where the Council believe that actions of applicants may have been taken to **deliberately defraud** the Council a file will be passed to the Police for investigation.

10.29 In the case of any **discretionary** grant, for which part or complete payment has been made, where the applicant **disposes of the property**, or ceases to make it available for letting as the case may be, before the conclusion of a 10 year period following the date of final payment then she/he shall repay to the Council on demand the amount of assistance that has been paid or such part thereof as detailed:

0 – less than 4 years after final payment	- 100%
4 – less than 6 years after final payment	- 75%
6 – less than 10 years after final payment	- 50%

Where, for discretionary grants, a nil contribution was required by the applicant towards the cost of eligible works, the first £5000 of specified energy efficiency works and agency fees, or grants of less than £5000 will not be recovered on sale.

Subject to any relevant legislation and statutory consent or guidance, a property charge will be placed for Mandatory Disabled Facilities Grants of £5,100 or more, for the maximum sum permissible, for owner occupied properties. The maximum charge is £10,000, and full recovery of the charge will be sought if the adapted property is sold within ten years of completion of the grant.

This condition for repayment of assistance in the event of sale etc within the ten complete years after final payment is made shall not apply in exceptional circumstances at the discretion of the Head of Health and Housing.

In cases where a property is disposed of within the 10 year period and recipients wish to make representations as to why assistance should not be repaid they will be considered by the Head of Health and Housing, who will determine whether to waive repayment or not. In considering such representations regard will be made to Appendix 3.

- 10.30 In the case of a grant paid for works to a **House in Multiple Occupation** if the owner allows its conditions to fall such that enforcement action is taken by means of statutory notice within ten full years of final payment being made then she/he shall repay to the Council on demand the full amount of the grant that has been paid plus compound interest at a reasonable rate as determined by the Council, unless the conditions are improved within a time period the Council determines as reasonable according to the work that is necessary.
- 10.31 No application for works to a House in Multiple Occupation shall be approved unless the property is on the **Council's HMO database** or an application has been made for such.
- 10.32 If in any position whereby **repayment of grant** is required the applicant fails to make the necessary arrangements the Council will place a charge on the property, which will incur compound interest at a reasonable rate as determined by the Council.
- 10.33 In the 10 year period following final payment of grant monies the applicant shall upon written request from the Council, reply in writing, within 21 days of the date of the request stating how she/he is **complying with any of the terms and conditions** of the grant enquired about.
- Failure to comply with this item will be deemed a failure of grant conditions requiring total repayment of grant plus compound interest at a reasonable rate determined by the Council.
- 10.34 The conditions relating to **repayment of grant** apply equally to whichever certificate was signed for a ten year period from the date of final payment of grant.
- 10.35 In the event of a recipient of assistance pursuing a **successful insurance claim**, action for legal damages etc which covers the cost of works for which grant was previously paid, the applicant will on demand repay the total value of grant paid relating to such works or the value of the insurance payment/legal damages if lower.
- 10.36 The Council will **not undertake works on behalf of applicants**, except where works may be due in default of an owner's, tenants etc failure to comply with a statutory notice.

- 10.37 The Council or their agents will hold final authority to determine what works are included on **grant schedules** although it is acceptable for owners, tenants or their agents etc to draw up initial schedules of work which may be reduced or added to by the Council in terms of work qualifying for possible assistance.
- 10.38 The **payment** of any grant approved will normally only be considered after any applicants contribution has been accounted for in the value of invoices submitted.
- 10.39 The responsibility to gain all **necessary approvals for works** to be undertaken with assistance rests with the applicant or their agent, such approvals may be Planning Permission or Building Regulation Approval or any of the matters raised within the terms and conditions of grant assistance.
- 10.40 Grant assistance will only be approved for the benefit of applicants who are able to provide evidence of a **valid National Insurance Number**.
- 10.41 The **discretionary grants** the Council awards are all subject to levels of available funding in each financial year and as such the Council reserves the right to defer approval, or even consideration, of applications for periods of time of its own choosing in order to properly manage its budgets.
- 10.42 In considering applications for the benefit of people with disabilities the Council may choose not to grant aid adaptations for which County Council Social Services are responsible under the **Chronically Sick and Disabled Persons Act 1970**.
- 10.43 The Council may specify in grant approvals involving the installation of specialised equipment for the benefit of people with disabilities that the **equipment is to be returned** to the Council if within 10 years it is no longer needed. The grant recipient, or a representative, shall notify the Council as soon as the equipment is no longer needed and the Council or their agent may choose to remove it for re-use elsewhere, making good any damage caused by its removal.
- Where the original grant was approved with a contribution from the applicant then the percentage of that contribution as an element of the total value of the agreed works shall be calculated and that percentage of the second hand value of the specialised equipment paid to the original applicant or their agent.
- 10.44 The Council **may refer enquiries** for assistance to the externally managed Warm Front Scheme as appropriate, or to the Home Improvement Agency if appropriate.

- 10.45 The Council may from time to time utilise **special funding** from central government, or other sources, aimed at specific subjects to target issues of local and national concern in accordance with any special conditions, e.g., replacement of inefficient boilers. Any special terms and conditions applicable to such initiatives will be appended to the Private Sector Housing Assistance Policy as they will not significantly alter the Council's primary approach to the subject.
- 10.46 The Council may not consider applications from persons, organisations etc where there is a possible **alternative source of funding** for maintaining properties, e.g., the NHS.
- 10.47 The Council reserves the right to **re-consider any individual application** against any of these terms and conditions upon the authority of the Head of Health and Housing.

11. **APPEALS PROCESS FOR APPLICATIONS OUTSIDE POLICY**

The Council has a general duty to consider the condition of the private sector housing stock upon which the Private Sector Housing Assistance Policy is based. All initial enquiries for assistance about the condition of private sector housing will be considered. Where any enquiry falls outside the policy for assistance the Environmental Health Manager will consider whether it warrants special attention outside of normal policy, in accordance with the appropriate scheme of delegation.

In the event of the Environmental Health Manager determining assistance is not warranted then this information will be conveyed in writing with the opportunity of appealing that decision to the Head of Health and Housing whose decision will be considered final in this field of discretionary grants.

Where the Environmental Health Manager considers that exceptional circumstances exist for consideration of assistance outside of normal policy, this will be considered by the Director of Neighbourhood Services, who will determine what assistance, if any, will be offered, and the Council will be informed.

There is no appeal route against the outcome of 'means testing.'

12. **COMPLAINTS POLICY**

If anyone is unhappy with the service provided they should first seek the assistance of the person who has been dealing with their case and give them the opportunity to improve matters or explain why things have happened as they have.

If after contact with the officer dealing with the case a customer is still dissatisfied and wishes to explore the matter further they should contact the Head of Health and Housing, at Wallfields, Pegs Lane, Hertford, SG13 8EQ, telephone 01279 655261, who will provide a full written response within 10 working days of becoming aware of the matter. In the event of all enquiries not being complete to enable a full response within 10 working days an interim response will be made indicating when a full response may be expected.

In the event that a customer is still dissatisfied, the Council has a formal complaints procedure, which will have been referred to in previous correspondence and the customer may utilise that process to take the matter further.

13. PRIVATE SECTOR HOUSING ENFORCEMENT POLICY

The Enforcement Policy with regard to private sector housing supports the principles of the Environmental Health Enforcement Policy and was adopted in February 2007. In general it states:

1. Enforcement action will not generally be considered a first course of action unless there is significant risk.
2. Enforcement will be proportionate, open, etc., in accordance with the Government's "Good Enforcement Concordat" which the Council has adopted.
3. Any enforcement action will be adequately explained with the opportunity for prior discussion wherever possible.

A full copy can be obtained from the Head of Health and Housing.

14. **DIVERSITY**

The Council is committed to equality of access to its services and has adopted a 'Diversity and Equality Policy'. This policy will be followed by officers when carrying out their duties. The policy statement reads as follows:

'East Herts Council is firmly committed to providing and promoting equality for all its employees and the wider community. The Council has adopted this policy to ensure equality influences the way we provide services and the employment of staff. To achieve this we will endeavour to create an environment in which there is respect for every individual and recognition that no member of the public, employee, potential employee, service user or Councillor will be discriminated against irrespective of their gender, race, ethnicity, colour, marital status, disability, age, sexuality, family responsibilities, religion, trade union involvement or political beliefs. Neither shall they be disadvantaged by conditions or requirements that cannot be shown to be justifiable for health and safety or legal reasons. This is not an exhaustive list and the Council recognises that there are other groups who may face unlawful discrimination.'

In respect of race equality the Council has adopted the McPherson's definition of a racist incident 'a racial incident is any incident which is perceived to be racist by the victim or any other person'.

The Council follows the Codes of Practice of the Commission for Racial Equality and Equal Opportunity Commission, and it is committed to achieving the Equality Standard for local government.

We believe in the need to eliminate unlawful discrimination and to promote equality of opportunity in all that we do. We recognise the rich diversity of East Hertfordshire's population as a strength and we aim to treat all people with dignity and respect whilst recognising the value of each individual and the positive contribution they make to the diverse community and workforce.'

15. HAVE YOUR SAY

Our policy is regularly reviewed and updated - please tell us your views on the policy and include any comments or questions you have for us via email: environmental.health@eastherts.gov.uk OR use the space below and return to the following address: Environmental Health Service, East Herts Council, Wallfields, Pegs Lane, Hertford. Herts. SG13 8EQ

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COPIES OF THIS DOCUMENT ARE AVAILABLE IN LARGE PRINT, BRAILLE, OR TRANSLATING INTO A LANGUAGE OTHER THAN ENGLISH, BY TELEPHONING 01279 655261 AND ASKING TO SPEAK WITH THE COMMUNICATIONS TEAM.

16. DEFINITIONS

“Administration Charge”	Will be imposed by the Council to cover the cost (plus VAT) of its officers organising works in default of an owner, e.g., after a statutory notice has not been complied with or when a responsible person requests the Council to organise works.
“Agreed Works”	are those works appearing on a schedule produced or authorised by the Council
“Charge on a Property”	is where the local authority legally places a debt on the record of a property and recovers the debt, plus interest, upon its sale if not settled beforehand.
“Common Parts”	in relation to a building, includes the structure and exterior of the building and common facilities provided, whether in the building or elsewhere, for persons who include the occupiers of one or more flats in the building.
“Consent of Mortgagee”	is given by the building society, bank etc with whom the applicant has their mortgage in the case of freeholders and leaseholders.
“Conversion Application”	means an application in respect of works to provide one or more dwellings by the conversion of a house or other building, or for the provision of a House in Multiple Occupation by the conversion of a house or other building.
“Date of final payment of grant monies”	is the date of the final cheque from the Council which completes payment of the grant assistance.
“Equity Release”	is a means by which persons can raise money against the value of their home where the difference between any outstanding mortgage/loan and its current market value is significant, also applicable where there is no outstanding mortgage/loan. The method of repayment can vary but generally the value of the loan, with or without interest, is repaid upon sale of the property.
“Household Income”	means the amount of money the financial markets will consider available from a household to fund a loan, but will not include income from children etc residing in the home, but purely from owner/s and any spouse or partner living in the property.
“House in Multiple Occupation”	and references to the owner of or person managing such a house shall have the same meaning as in Part XI of the Housing Act 1985 or any successor statutory definition.
“Mandatory Disabled Facilities Grant”	is defined as in the Housing Grants Construction and Regeneration Act 1996, as amended, or as in any successor statutory definition.
“Means Tested Benefits”	is any specified income based benefit received by an applicant.
“Member of the family”	includes spouses, persons who live together as husband and wife, parents, grandparents, children, grandchildren, brothers, sisters, uncles, aunts, nephews and nieces.

“Person with a disability/people with disabilities”	she/he is registered as a person with a disability or, in the opinion of the Social Services Authority is registerable as a person with a disability. This definition recognises the fact that the majority of people will not be on a register.
“Persons not related or connected with the owner of a dwelling”	means not being a member of the owners family in accordance with the definition of ‘Member of the family’.
“Preliminary or Ancillary Services, Fees and Charges”	<p>which may be included in a grant application are:</p> <ul style="list-style-type: none"> • Technical and structural surveys; • design and preparation of plans and drawings; and preparation of schedules of works; • obtaining of estimates and valuations; • applications for building regulations approval and planning permission; • supervision of works; • disconnection and reconnection of electricity, gas, water and drainage utilities made necessary by the works (but no charges arising out of non-payment of bills); • advice on contracts and on financing the cost of works. <p>Including such services given by or through home improvement agencies.</p>
“Proof of Title”	Is completed by a Solicitor or Building Society on an applicants behalf in the case of freeholders or leaseholders to confirm ownership.
“Qualifying Tenant”	means a tenant who within their tenancy agreement has the responsibility to repair or maintain the element of a structure for which they are seeking assistance.
“Reasonable Repair”	means the Council shall have due regard to the age and character of a dwelling and the locality in which it is situated, but not its state of internal decoration, when considering its condition.
“Statutory Notice”	is a notice requiring owners/responsible persons to carry out work or some other action with regard to their property. The notice is served using the power of a national law and failure to comply may result in prosecution through the courts or works being carried out at the responsible persons expense.
“Substantial Disrepair”	means repairs to a single property, being required to put it in reasonable repair which will cost over £1,000.
“Works in Default”	means works that the Council organise and possibly carry out as a result of the recipient of a statutory notice failing to comply with its requirements within a reasonable period of time.
“Working Days”	means days excluding Saturday and Sundays.

APPENDIX 1

Key Service Standards

The Environmental Health Unit is committed to providing a fair, responsive and cost effective service. The service that is provided will be measured against a number of challenging performance standards.

- First response to a complaint or enquiry within 3 working days of receipt.
- Written response made to letters within 10 working days of receipt of letter.
- Grant approvals to be issued within 7 weeks of a complete application being received.
- Payments to be made within 28 days of receipt of invoices conditional on grant completion being certified prior to receipt of invoice.
- 85% of customers to be satisfied with the level of service provided.

APPENDIX 2

Extract From Latest Best Value Performance Plan

Performance Indicators

					Past Performance		Performance Comparison All Districts 2002/03		
		Total 2003/4	Target 2003/4	Target 2004/5	2001/02 Actual	2002/03 Actual	Top 25%	Bottom 25%	National Ave
BVPI 62	Proportion of unfit private dwellings made fit or demolished	1.1%	3%	3%	0.8%	0.87%	4.5%	1.6%	2.8%
BVPI 64	no of vacant private dwellings returned into occupation or demolished	8	10	11	4	4	39	2	11

APPENDIX 3

Grant Repayment Exemptions

Selected Previous Information/Definitions from the Housing Grants, Construction and Regeneration Act 1996 (as amended).

Relevant Disposals and conditions where it may be reasonable not to demand full or any repayment of grant, and exempt Disposals.

The '1996 Act' states (in part) that it is a condition of a grant that if an owner of the dwelling to which the grant relates makes a 'relevant disposal' (other than an 'exempt disposal') of the dwelling within the stated period beginning on the certified date (i.e. the date on which the grant aided works were completed to the satisfaction of the local authority), he shall repay to the local authority on demand the amount of the grant.

The local authority may determine not to demand repayment or to demand a lesser amount, where they are satisfied that the disposal falls within one or more of the following cases and that it would not be reasonable, in the circumstances of the case, to demand repayment of all or part of the amount of grant: (**NB:** Numbering of points relates to original documentation)

7. A disposal of premises where the disposal proceeds, less the amount of any expenses incurred by the relevant person in connection with the disposal and the amount of any advanced secured by a charge on the premises which has been repaid by the relevant person, are less than the amount of grant which a relevant person would be liable to repay.

10. A disposal by a relevant person of premises where those premises were vested in that person as a person taking under a will or on an intestacy.

A '**relevant person**' in relation to a disposal means a person who would be liable to repay the amount of grant that has been paid, and includes any other person who normally resides, or who might reasonably be expected to reside with him.

The expressions "**relevant disposal**" and "**exempt disposal**" are defined in section 53 and 54 of the "1996 Act".

A “**relevant disposal**” 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.

An “**exempt disposal**” of the whole or part of the premises is:

- 1. A conveyance of the freehold or an assignment of the lease and the person or each of the persons to whom it is made is:-
 - a) the person, or one of the person, by whom the disposal is made;
 - b) the spouse, or former spouse, of that person or one of those persons; or
 - c) a member of the family of that person or one of those persons; or
 - d) in the case of a company it is an associated company of the company by whom the disposal is made.
- 2. a vesting in a person taking under a will or on an intestacy;
- 4. a compulsory disposal of property which is acquired compulsorily;
- 11. a conveyance of part of the freehold or an assignment of the lease where
 - a) the person making the disposal is aged at least 70, and
 - b) the disposal is to provide an annuity income, and
 - c) the person concerned is entitled to continue to occupy the premises as his only or main residence.

Any grant condition shall cease to be in force with respect to any premises if there is a relevant disposal of the premises that is an exempt disposal. The only exceptions to this is an exempt disposal under paragraphs 1,2 and 11 above where the grant recovery conditions remain in force for any subsequent disposal within the original grant condition period.