Discretionary Housing Grants Policy 2018

1. Introduction

1.1 This Policy is introduced to support the Council’s Private Sector Housing Renewal Strategy 2016-18. It provides for the Council to make certain capital grants in support of its strategic housing objectives.

1.2 The Policy sets out the Council’s approach to giving discretionary grants, the principles it will use to decide which will be made available and how applicable criteria and conditions will be determined. It also specifies rules that will apply to the processing and administration of any grants.

1.3 In order to ensure that the discretionary grants it makes available remain appropriate in all respects, are best able to meet identified needs and providing best value for the Council, this Policy makes the Assistant Director Housing, in consultation with the Portfolio Holder for Economic Development, Regeneration and Housing, responsible for determining which grants will be available under this policy and which eligibility criteria and conditions will apply; provided in all cases that the objective is to support and deliver the Council’s strategic housing objectives.

1.4 This Policy will apply unless superseded or cancelled, although any or all of the particular grants available under the Policy will cease to be available in the event that allocated budget(s) are exhausted. Particular types of grant may also be withdrawn at any point by confirmation of the Assistant Director Housing in consultation with the Portfolio Holder for Economic Development, Regeneration and Housing.

1.5 Details of each particular type of grant available under this policy, including relevant conditions and criteria, will be specified in separate documents which will become appendices to this Policy.

2. Background

2.1 The Regulatory Reform (Housing Assistance) Order 2002 came into effect on 18 July 2003 and repealed most of the legislation dealing with grants for owners and landlords. Disabled Facilities Grants (DFGs) are now the only mandatory grant; that is, the only grant the Council is obliged to give.

2.2 Since 2003, the Regulatory Reform Order (RRO) has given the Council the flexibility to decide how best to address local house-condition issues and priorities. However, to use this flexibility it must have in place a policy that sets out what help it will give and in what circumstances.

2.3 The Private Sector Housing Renewal Strategy 2016-18, addresses the loans the Council will make available and those various loans are intended to be the principle route through which the Council will provide financial support to residents in need.

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1 As set out in the Private Sector Housing Renewal Strategy 2016-18
2 Provided all the eligibility rules set out in the Housing Grants, Construction & Regeneration Act 1996, and various regulations made under that Act, are properly met.
2.4 This additional Policy explains how the Council will use the flexibility provided by the RRO to provide discretionary grants in three sets of circumstances:

- To ensure the Council is able to meet relevant needs that cannot be addressed satisfactorily by the provision of loans, particularly in relation to situations requiring urgent intervention to safeguard vulnerable households.

- To enable the Council to take best advantage of any new opportunities that might arise as a consequence of additional funding that may become available and which, in the absence of a policy of this sort, would otherwise require specific approval, on each occasion, through the democratic process.

- To provide the Council with the ability to develop its disabled adaptations work by means of discretionary adaptations grants as well as mandatory DFGs, as it judges appropriate and as budgets allow.

3. **Grant criteria**

3.1 The Private Sector Housing Renewal Strategy 2016-18 introduced the following objectives for private sector housing:

- Improving the condition of the housing stock
- Improving health outcomes
- Reducing ill health associated with cold homes
- Keeping older people safe and independent at home
- Encouraging empty homes to be returned to use

3.2 A grant will only be approved under this policy if the Assistant Director Housing, in consultation with the Portfolio Holder for Economic Development, Regeneration and Housing, is satisfied that it:

- Will contribute to the achievement of the Council's strategic priorities (set out at 3.1 above) or those of any subsequent or replacement policy, and
- Complies with the Council's financial rules and procedures, and
- Is not given as an alternative to a loan when one of the Council's loans is available, applicable and appropriate.

3.3 Different criteria and conditions may apply to different types of grants. Once they have been set they will apply to all grants of that type. Those criteria and conditions may include and take account of the following, but the list is not restrictive and other criteria and conditions may be applicable. They will be set in order to achieve the particular objective(s) of the grant type in question.

3.3.1 Criteria and conditions may apply in relation to:

- Tenure
- Length of occupation
- Age of relevant individual or other occupants
- Dependents
- Financial means of relevant individual and/or other occupants
- Vulnerability
- Disability
- Eligibility or lack of eligibility for other means of assistance including insurance cover
- Repairing obligations
3.3.2 Grant conditions may also include:
- Works that must be undertaken
- Standards that must be achieved upon completion of works
- Maximum or minimum grant value
- Percentage contributions that will be made
- Circumstances in which some or all of a grant must be repaid and rate at which any interest may apply
- Restrictions on the number of grants per applicant or per dwelling
- Restrictions on the maximum value of grants per applicant or per dwelling
- Restrictions on the frequency of grant application per dwelling

3.3.3 In the case of grants to landlords the criteria may also include:
- Nomination rights made available to the Council
- Acceptance of tenants in receipt of specified benefits for a specified period
- Rent restrictions
- Requirement to let or re-let to qualifying tenants (of a type determined by the Council)

5. Exceptional circumstances

5.1 In exceptional cases, variations to the criteria applied to a particular grant may be agreed by the Assistant Director Housing. In particular, the Council wants to be able to provide assistance, without undue delay, to anyone whom it judges likely to suffer degrees of injury or harm that outweigh their ineligibility under the standard criteria. Any decision to agree an exceptional variation to the established criteria applying to a grant will be confirmed in writing by the Assistant Director Housing.

5.2 Where an application for a particular type of grant or loan covered by this policy raises an issue that is not specifically covered by the policy, the Assistant Director Housing will determine whether and in what circumstances assistance can be provided. This decision will be confirmed in writing.

5.3 If any case raises an issue which seems likely to set a precedent for other similar cases or which would in effect create a new type of grant or loan outside the terms of this policy, the Private Sector Housing Manager will determine whether to recommend a revision of the policy. Cases of this sort will not be treated as exceptional cases.

6. Documents and estimates

6.1 Applications for grants covered by this policy must be made using an application form or other forms of documents determined by the Council.

6.2 The Council will determine what other documents may have to be completed and will issue these to applicants. They must be returned as part of the grant application.

6.3 Application for a grant will not remove the need for other regulatory approvals such as Planning Consent or Building Regulation Approval and the Council
may determine that other regulatory approvals have to be in place before a grant is approved.

6.4 When works have to be carried out, the Council will either produce or agree and approve a schedule setting out those works and will usually require estimates to be made using that schedule.

6.5 The Council will usually require a minimum of 2 estimates to ensure costs are reasonable but may waive this requirement in some situations including those where urgent action is judged necessary. The Private Sector Housing Manager must approve the use of a single estimate in any particular case or type of case.

6.6 Contractors submitting estimates must provide their details, including: name, address, telephone number(s), VAT number (if VAT has been included) and Unique Tax Reference Number (as part of the CIS scheme) where applicable.

6.7 Incomplete applications, estimates that are not provided in the correct form, or prices the Council judges to be unreasonably high, will not be accepted.

6.8 Estimates or quotations from a family member of the applicant must be clearly identified as such by the applicant and must be made on the basis of materials-only; labour costs will not be eligible for grant and must be excluded. (For the purposes of this policy, family member includes: spouses, persons who live together as husband and wife, parents, grandparents, children, grandchildren, brothers, sisters, uncles, aunts, nephews and nieces.)

7. **Grant Approvals**

7.1 A grant will not be approved if work has been started or completed before the date of approval (unless exceptional prior arrangements have been made in writing), or if it appears to the Council that assistance for works are requested that have resulted from deliberate acts or omissions.

7.2 For most types of grants the Council will inspect the premises to determine what works are required and eligible as part of the approval process, but we may rely upon a partner-organisation to inspect on our behalf.

7.3 Once we have approved a grant we will confirm that in writing. The Council is not committed to providing any funding or any particular sum until we have given that written approval.

7.4 The Council will not commit to varying an approval in order to pay for additional or unforeseen works, but may do so if it judges the works and the costs to be appropriate and if it is given sufficient notice and opportunity to visit the site, prior to the works being undertaken, to assess the circumstances and the need for the extra works. Any variation to which the Council agrees will be confirmed in writing.

7.5 The applicant is ultimately responsible for ensuring the quality of the works, however for most types of grant we will re-inspect premises to ensure satisfactory completion of all relevant works prior to release of funds, but we may rely upon a partner-organisation to inspect or confirm satisfactory completion on our behalf.
7.6 Ongoing maintenance and repair of completed works and adaptations provided under a grant will become the responsibility of the applicant or landlord as relevant.

8 Grant Payments

8.1 The Council will consider requests for interim payments but, if agreed, no interim payment will be for more than 90% of the approved cost of work and, if more than one interim payment is judged appropriate, the aggregate payments will not exceed 90% of the total approved cost before final completion.

8.2 Payment of any grant will only be considered once any after any relevant payments and contributions from the has been accounted for in the value of invoices submitted.

8.3 In the event that an applicant dies after a grant has been approved but whilst approved works are in progress, the Council may, at its discretion, agree to pay an appropriate portion of the approved grant to enable the making good of works undertaken to that point.

8.4 If the Council has determined that repayment or part repayment of a grant is an appropriate grant condition, it may determine not to demand repayment of the grant, or to demand a lesser amount where extenuating circumstances exist (for example if the recipient would suffer financial hardship if required to make the repayment). This will be at the discretion of the Council on a case by case basis.

9. General Grant Conditions

The following conditions will apply in all cases:

9.1 Grant work must be completed within 12 months of the grant approval date or such longer period as has been agreed in advance, and in writing, by the Council. Grants that remain incomplete may be cancelled. If this proves necessary the Council will confirm cancellation in writing.

9.2 All works must be completed in accordance with the agreed specification and to the standard of workmanship required by the Council. Payment will not be made until the work has been properly completed to the Council’s satisfaction.

9.3 Works must be undertaken by the contractor(s) on whose estimate(s) the grant has been assessed and approved. In exceptional circumstances the Council may agree to a different contractor doing the work, but this must be agreed in advance of the work being done and will be confirmed by the Council in writing.

9.4 Payment of grant will only be made once the Council has received an appropriate, bona-fide invoice(s) from the approved contractor(s).

9.5 The Council may give a qualified approval in certain circumstances. (For example, approval may be given for a scheme of works with payment not being guaranteed until the following financial year.) This will allow some
payments to be made for preliminary or ancillary fees. For example fees for drawings and legal costs.

9.6 Grants may be repayable in the event that a specified condition is breached. The terms of a repayment condition will be specified in the particular conditions applicable to the grant.

10. Complaints

10.1 Any complaint concerning a grant should, in most situations, be referred to the case-officer in the first instance.

10.2 If the case officer is unable to resolve the issue the complaint will be dealt with in accordance with the Council’s complaint procedure.

10.3 If there is a dispute between a contractor and the grant applicant we will provide mediation assistance where we can. However, unless the Council is acting as agent on behalf of the applicant in a formal capacity, it will only be able to intervene informally. In such cases written advice will be provided to the applicant.