



*Basingstoke
and Deane*

Private Sector Housing Renewal Policy

01 April 2006

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1. **INTRODUCTION**

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 previous housing assistance and replaced it with new wide ranging powers to provide assistance for housing renewal significantly based on local needs and achievement of strategic objectives. The increased flexibility allows for new and innovative approaches to housing renewal and will require regular review within the overall context of the Housing Strategy.

Our first Private Sector Housing Renewal Policy became effective from 19 July 2003. This has been reviewed annually and this Private Sector Housing Renewal Policy 2006 became effective on 1st April 2006 and replaces the earlier versions of the Policy.

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

PART ONE

STRATEGIC DIRECTION

2. LOCAL CONTEXT

The Borough of Basingstoke and Deane is 245 square miles in area with a population of 152,583 (2001 Census), an increase of over 5,000 in the last 10 years. Approximately 60% of the population live in Basingstoke whilst the remainder live in the surrounding rural areas including Tadley, Whitchurch, Overton and Kingsclere.

The Borough is generally considered to be prosperous although, in some wards there are pockets of deprivation.

A survey of the condition of private sector housing using a sample of randomly selected stratified properties was undertaken in 2001. The key findings of this survey are summarised below. This data will be revised in 2006 when the next house condition survey is carried out.

Table Key facts from Private Sector Stocks Condition Survey 2001

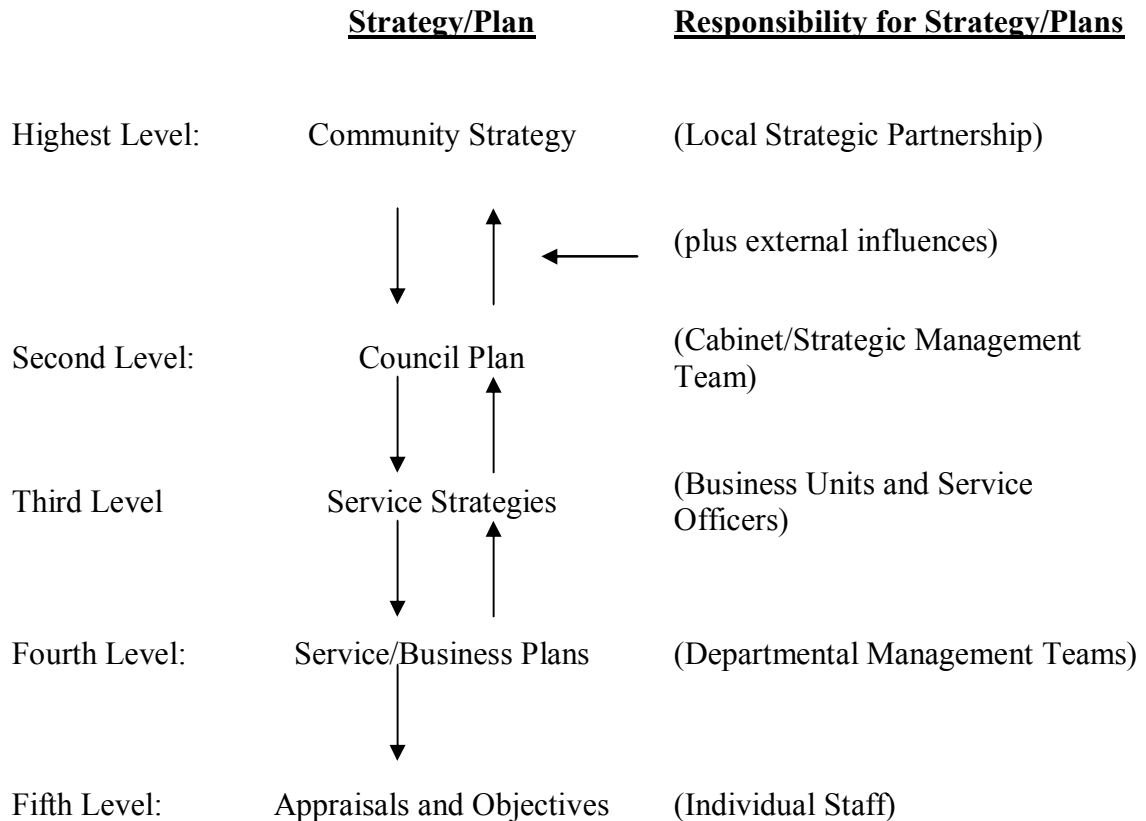
Population of the Borough (2001 Census)	152,583
Total number of houses	57,200
Total number of owner occupied houses	44,200 (77%)
Total number of rented properties (not including housing association)	3,250 (5.7%)
Rate of unfitness	0.8%
Percentage of unfitness in the private rented sector (Excludes housing association dwellings)	10%
Dwellings needing substantial repair (in excess of £1,000 needed)	12%
Cost of bringing all dwellings up to a reasonable standard	£36.5m
Percentage of unfit houses where head of household is:	
a) On low income	22.5%
b) Aged over 60 and on low income	18.5%
Percentage of homes with energy efficiency rating below national average	Approx 27%
Percentage of vacant dwellings	1.4%

The Borough has an ageing population and, more and more, people wish to remain independent in their own homes for longer. Issues such as fuel poverty and home adaptations for disabled occupants are key in enabling them to do so. As shown, many of the Borough's unfit homes are occupied by those on low incomes and/or over the age of 60.

This Private Sector Housing Renewal Policy was formulated in the knowledge of the main housing issues facing the Borough and after extensive consultation with residents and other stakeholders. The key conclusions from the consultation are detailed in Appendix 1.

3. AIMS AND OBJECTIVES

The Community Strategy, prepared by the Local Strategic Partnership, gives priorities for action for the Borough, including priorities for Housing. In addition, the Council Plan has also identified priorities for housing. These strategies and plans inter-relate to achieve overall strategic aims and objectives, as shown below:



We monitor progress against the aims and objectives every quarter, submitting reports to the Council’s Performance Board. This information is drawn together and published in our Annual Report every June.

The Council's service strategies which link into the Private Sector Housing Renewal Policy are:-

Strategy/Plan

Aim/Objective Of Relevance To This Policy

Community Strategy

- Improve homes and where people live to reduce causes of ill health.
- Improve access to quality, affordable, appropriate housing.
- Reduce overall deprivation levels at the neighbourhood level.
- Support community safety and crime reduction initiatives in local neighbourhoods through private sector housing regeneration.

Council Plan

- Provide greater welfare support to help vulnerable families and individuals
- Increase access to affordable housing
- Deliver the key objectives of the housing and homelessness strategies
- Enable owners and landlords to improve the condition of the housing stock
- Reducing the number of empty properties in the area.
- To provide people with affordable decent homes within planned stable communities.
- To achieve a safe and clean built and attractive natural environment for residents, businesses and visitors
- Ensure homes in the Borough are fit, safe, healthy and adequate for the needs of the occupier.

Private Housing Service Plan

- Rehabilitate 18 unfit properties a year.
- Carry out private sector stock condition survey

in 2006.

- Inspect all Houses in Multiple Occupation once per year.
- Bring 14 empty properties back into use annually.

Service Strategies

i) *Housing Strategy*

Assessment of Housing Needs

- Ensure priority is given to funding Disabled Facilities Grants.

Assessment of House Conditions

- Identify individual unfit and substandard dwellings.
- Identify long-term vacant dwellings.
- Ensure sufficient affordable housing and/or assistance for elderly and/or residents with disabilities.
- Increase owner-occupiers and landlords' awareness of the importance of regular home maintenance and ways of achieving this.
- Increase levels of energy conservation awareness.

Neighbourhood Regeneration

- Identify deprived areas of the Borough using all deprivation indicators, and regenerate them in priority order.
- Prevent degeneration.
- Decrease crime, the fear of crime and anti social behaviour in residential areas.

Funding the Housing Strategy

- Monitor capital schemes, to ensure that expenditure forecasts are reviewed and updated monthly.

Monitoring Housing Standards

- Undertake an ongoing review of housing services, to ensure continuous improvement.

- ii) *Energy Conservation Strategy*
 - Decrease the emissions of carbon dioxide resulting from the burning of fossil fuels to provide domestic heating.
 - Improve significantly the energy efficiency of the housing stock.
 - Reduce fuel poverty and provide affordable warmth for residents.
 - Raise general awareness of energy efficiency measures within the community at all levels.
- iii) *Empty Properties Strategy*
 - Identify long-term empty properties and encourage owners to bring these back into use.
- iv) *Supporting People Strategy*
 - Recognise that most people have a preference to be in their own homes and to receive the necessary services there. The option of living within an institutional setting or grouped together on specially designed housing is not a priority for most.
 - Ensure that support with home adaptations, repair and home safety is available to older people.
- v) *Community Safety Strategy*
 - Create safer communities
 - Reduce fear of crime
- vi) *Local Plan*
 - Indirectly supporting policies relating to the provision of affordable housing and regeneration and renewal
- vii) *Homelessness Strategy*
 - Providing appropriate suitable temporary and permanent accommodation.

4. IDENTIFYING AND ADDRESSING POOR HOUSING CONDITIONS

A key objective of the Housing Strategy is to improve the condition of the housing stock. The Council will maintain an awareness of the state of the housing stock in the Borough and how this changes as a result of its action and wider activity. Information on the housing stock will be gathered from the following sources:

- local house condition surveys will be carried out every five years;
- housing needs surveys will be carried out every five years;
- grant enquiries, applications and approvals;
- enforcement action;
- Home Improvement Agency activity;
- housing conditions complaints.

The strategy for dealing with poor housing conditions will be to:

- a) offer advice to owners on sound maintenance practices and to encourage owners to keep their properties in good order.
- b) support a Home Improvement Agency that will provide advice and assistance with home repairs, renewals and adaptations.
- c) offer discretionary grant assistance within the allocated capital funding.
- d) promote measures to encourage owners to bring empty dwellings back into occupation.
- e) promote energy efficiency by offering advice and financial assistance where appropriate.
- f) promote anti-crime measures by offering advice and financial assistance where appropriate.
- g) promote home safety by offering advice and financial assistance where appropriate.
- h) provide a regular means of consultation with landlords to promote and encourage participation in schemes to renovate the private rented sector.

The Council will also take the opportunity to consider area-based strategies to improve neighbourhoods that exhibit evidence of poor housing or deprivation. The Council will actively engage residents, owners and landlords to effectively regenerate areas in the Borough.

The Council will encourage individuals to co-operate in making their properties fit, however it reserves the right to take enforcement action in dealing with properties which exhibit serious hazards or are in serious disrepair. Enforcement action will be undertaken in accordance with the enforcement policy detailed in Appendix 7. Enforcement will always be viewed as a last resort and decisions shall be taken within the context of this Private Sector Housing Renewal Policy.

5. POLICY REVIEW

This Private Sector Housing Renewal Policy was implemented on 1st April 2006 and will be reviewed annually.

Minor changes may be made by the Head of Housing Services in consultation with the Portfolio Holder without the need for formal ratification where such changes make no significant difference to service provision. Significant changes to service provision will require approval of the Council.

Policy performance will be reported as part of the Council's Policy and Performance process.

The Council will implement this policy in accordance with relevant legislation and guidance.

PART TWO

ASSISTANCE WITH RENEWAL

6. **ASSISTANCE AVAILABLE**

Two types of assistance will be available:-

6.1 **Education and Encouragement**

The Council's officers will, except where statute says 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 specifically targeted education campaigns in order to achieve certain objectives, e.g. understanding the need to maintain dwellings and energy conservation measures.

The provision of advice and encouragement may or may not also involve financial assistance.

6.2 **Financial Assistance**

The provision of financial assistance may involve the award of a grant or the offer of financial advice through a third party.

6.2.1 **Grants**

The following grants may be awarded, subject to terms and conditions:

- Mandatory Disabled Facility Grants, as detailed in the Housing Grants, Construction and Regeneration Act 1996.
- Discretionary Disabled Facility Grants (as detailed in Appendix 2)
- Discretionary Renovation Grants (as detailed in Appendix 3)
- Discretionary Home Repair Assistance Grants (as detailed in Appendix 4)
- Discretionary Landlords Grants (as detailed in Appendix 5)

Grant terms and conditions are detailed in Appendix 6.

6.2.2 **Loans, Equity Release etc**

The Council will not directly provide any loan, equity release etc funding but will direct all appropriate enquiries to an Independent Financial Advisor for this purpose. The Independent Financial Advisor will utilise the existing financial lending markets to assist individuals to fund their own home repairs. If commercial funding is not sufficient to fund all of the qualifying works consideration will be given to eligibility for grant assistance.

7. THE GRANT APPLICATION PROCESS

The Council's policy on grant assistance takes into account the primary responsibility of owners to maintain their properties from their own resources. Those who qualify for grant assistance will be given every opportunity to access the process through full dissemination of information in the Council's website and at points of contact around the Borough.

The first stage of the process will commence when a potential applicant makes an initial enquiry for grant aid. An officer from the Council's Housing Improvements Team or a representative of the Home Improvements Agency will make a 'home' visit in all cases, except where the work obviously would not qualify for any assistance. The repairs/improvements will be assessed and the most suitable type of grant considered. In the event of Discretionary Renovation Grant assistance being likely, the enquirer will be referred to an Independent Financial Advisor for a provisional financial assessment of loan, equity release etc funding that may be realised from the commercial financial markets. With any other form of grant assistance, a preliminary assessment of the applicants' financial contribution towards the proposed works will be made. The formal application pack will be sent to enquirers who qualify for grant assistance and who are prepared to fund their own likely financial contribution towards the grant assisted works.

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, as well as the required number of estimates/quotes. When a completed application is received the applicants' actual financial contributions towards the proposed works will be assessed. In the event that the applicants' financial contribution is insufficient to meet the reasonable cost of the agreed works then the Council may approve a grant. The level of grant approved may be the total cost of the agreed works, less any financial contribution from the applicant. The result of the second stage of the process will be conveyed to applicants in writing.

The amount of information required of applicants will be commensurate with the likely scale of works involved and as such applicants for Discretionary Home Repair Assistance Grants will have a much shorter application process than if applying for a Discretionary Renovation Grant. The same standard form will be used by all applicants for the same classification of grant regardless of value of works.

8. PRIORITISATION OF GRANT APPLICATIONS

Where budgetary constraints require some priority to be given to the different forms of assistance, the following types of work will be given priority:

- a) To carry out works that qualifies for Mandatory Disabled Facilities Grants (including assistance to 'top up' mandatory grants above the grant limit).
- b) To remove or moderate a Category 1 hazard, as defined by the Housing Act 2004.
- c) To assist with increasing the availability of accommodation by bringing empty buildings into residential use.
- d) To assist elderly, low income households with essential repairs to their homes.
- e) To assist elderly households with improving the energy efficiency of their homes.
- f) To assist elderly households and young families on low income with crime prevention and home safety.

9. APPEALS PROCESS FOR GRANT APPLICATIONS OUTSIDE POLICY

The Council has a general duty to ensure all dwellings provide a safe and healthy environment for the occupants and any visitors. It is upon this duty that this Private Sector Housing Renewal Policy is based. All initial enquiries for financial assistance will be considered. Any enquiry which falls outside the criteria stated within this policy will be referred to the Head of Housing Services for consideration. Where such enquiry is considered to warrant special attention, the Head of Housing Services shall have the discretion to offer financial assistance, subject to the grant terms and conditions contained within this Policy, and the Council's allocated budget for Housing Renewal Grants.

In the event of the Head of Housing Services determining financial assistance is not warranted then this information will be conveyed in writing to the enquirer with the opportunity to make representations for the decision to be reconsidered. The determination by the Head of Housing Services will be final.

10. COMPLAINTS POLICY

Anyone who is dissatisfied with the service they receive, should require an explanation from their grant's case officer.

Where a customer is required to make a financial contribution towards the grant-assisted work, they will be advised of this amount before their grant application is approved. A full explanation of how this contribution was calculated will be available from their grant's case officer.

If a customer is not satisfied with the explanation received, they should contact the Housing Improvements Manager, who will consider any representations made and provide a full written response within 10 working days. In the event of all enquiries not being complete to enable a full response within this timescale, an interim response will be made indicating when a full response may be expected.

In the event that a customer remains dissatisfied, they will be advised to contact the Head of Housing Services who will undertake an internal investigation. Where this investigation fails to resolve the dispute, the customer will be advised of the council's complaints procedure.

APPENDIX 1

CONSULTATION ON THE PRIVATE SECTOR HOUSING RENEWAL POLICY

The first Private Sector Housing Renewal Policy in 2003 was based on the key priorities for grant funding, as determined from a workshop with a random selection of residents of the Borough. These key priorities were:

- renovations to unfit homes
- grants to increase accommodation through conversions and the rehabilitation of empty homes
- minor repairs

These key priorities are annually reviewed and the following organisations have been consulted in the creation of the Private Sector Housing Renewal Policy 2006:

- Hampshire County Council, Social Services Department
- North Hampshire Primary Care Trust
- Hampshire and Isle of Wight Health Authority
- Hampshire Fire and Rescue Service
- Hampshire Constabulary
- Citizens' Advice Bureau
- Basingstoke Voluntary Services
- Age Concern
- The local Landlords Focus Group
- Southern Focus Trust Care and Repair Agency
- Neighbouring local housing authorities
- Kingfisher Housing Association
- Sentinel Housing Association

APPENDIX 2

DISCRETIONARY DISABLED FACILITIES GRANTS

The Council will, subject to the terms and conditions detailed in Appendix 6, and the national means test of resources utilised for Mandatory Disabled Facilities Grants, consider applications for Discretionary Disabled Facilities Grants as well as or instead of mandatory grants.

Applications will be considered for:-

- a) Increasing the grant paid for Mandatory Disabled Facilities Grant work when the reasonable cost of the required work exceeds the set maximum limit.
- b) Making the dwelling or building suitable for the accommodation needs of the disabled occupant. This might include works to provide a more satisfactory internal living arrangement for a disabled occupant, where such works are not included for a Mandatory Disabled Facilities Grant.
- c) Making the dwelling or building suitable for the welfare needs of the disabled occupant. This may include the provision of a safe play area for a disabled child, or works to provide for a disabled occupant to receive specialised care or medical treatment in their own home.
- d) Making the dwelling or building suitable for the employment needs of the disabled occupant. This may include adapting or providing a room to be used for a disabled person to work from home.

And subject to specific authorisation by the Head of Housing Services:

- e) Facilitating other works to provide a complete solution for people with a disability.
- f) 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.

Please note; the Council will award Mandatory Disabled Facilities Grants according to the governing legislation and guidance issued by Government. Further details on Mandatory Disabled Facilities Grants are included in the Council's booklet 'Assistance with Housing Renewal'.

APPENDIX 3

DISCRETIONARY RENOVATION GRANTS

The Council will, subject to the terms and conditions detailed in Appendix 6, consider applications for Discretionary Renovation Grants from owner-occupiers and qualifying tenants. There will be no pre-set maximum limit for assistance. The Council will consider the cost of all proposed work in the light of the eligibility of the work and reasonableness of the estimates/quotations received. All initial enquiries will be inspected by a council officer to determine any qualifying works. The applicant will then be required to seek independent financial advice to identify any loan or equity release that may be available to the applicant to fund the qualifying works. The requirement to seek independent financial advice may be waived by the Council where the applicant is in receipt of an income-related benefit.

In the event of a written report from the Independent Financial Advisor that the enquiries made show no commercially available loan, equity release or other funding being available, or if available, are insufficient to meet the reasonable cost of the qualifying works, then the Council may consider a grant application.

The Council may waive the financial means testing of applicants for Discretionary Renovation Grants in areas of renewal, group repair etc where the prime objective is the regeneration of the area which would otherwise be hampered by the potential pepper potting affect caused by a means tested approach. The Council may instigate schemes whereby a percentage grant is available for agreed works purely due to the location of a property without any recourse to means testing of owners or tenants. The use of such an approach will require the authorisation of Council and will be considered an exceptional approach to Discretionary Renovation Grants.

Applications will be considered for :-

- a) Removing or moderating a Category 1 hazard in a house.
- b) Remedying a house in substantial disrepair to a condition of reasonable repair.
- c) Providing one or more dwellings by conversion of a house or other building.
- d) Renovating dwellings and other buildings that have been empty for at least 6 months to bring them to a condition suitable for occupation.
- e) Installing central heating where none is present.

- f) Carrying out any area regeneration/renewal works which may be undertaken in partnership with Housing Associations etc so as to enable a consistent approach to area renewal.
- g) Thermal insulation, common parts works and home safety/security measures may be considered for grant aid as part of any larger scheme approved in a) to g) above.

APPENDIX 4

DISCRETIONARY HOME REPAIR ASSISTANCE GRANTS

The Council will, subject to the terms and conditions detailed in Appendix 6, consider applications for Discretionary Home Repair Assistance Grants from owner/occupiers and tenants. Applications may also be considered from any person who occupies the dwelling under a right of exclusive occupation for a period of more than five years, and has occupied the dwelling as his own or main residence for a period of at least three years preceding the date of the application. In the case of works to a mobile home the applicant will need to show that he has occupied the mobile home as his only or main residence for a period of at least one year immediately preceding the date of application, and the mobile home has been stationed on the same land for at least the same period.

There are two different maximum levels of assistance:

- ii) Maximum of £5,000 for works within those described in category a) below.
- iii) Maximum of £2,000 for all other categories of work described in categories b) to g) below.

Applicants will be eligible for this type of grant if they receive one of the income-based benefits which are listed in the Council's booklet 'Assistance with Housing Renewal'. See special provisions below for those not in receipt of a required benefit but who are deemed to be on low income.

Applications will be considered for:-

- a) Adaptation/improvement of a disabled person's dwelling, or to enable them to reside in another property.
- b) Removing or moderating a Category 1 hazard in a house.
- c) Works of repair or improvement to a dwelling.
- d) Energy efficiency works to insulate lofts, hot water tanks, pipes and cavity walls, except where eligible for assistance under the Warm Front Scheme.
- e) Installing central heating where none is present, except where eligible for assistance under the Warm Front Scheme.
- f) Installing appropriate controls to allow for effective programming of an existing central heating system.

- g) Works of home security and home safety. This category of discretionary home repair assistance grant is only available to households led by persons in receipt of a state retirement pension and to family households with a child aged 5 years and under residing at the property with them at the date of application.

Enquiries for very small items of work may be considered for referral to the Home Improvement Agencies Handy Person Scheme if appropriate.

The offer of assistance under any of the above categories will be offered subject to the obligation on landlords to maintain their tenanted properties.

To allow for savings through economies of scale, Discretionary Home Repair Assistance Grants may be awarded to partner organisations to purchase materials in bulk for immediate or subsequent use as part of the Discretionary Home Repair Assistance Grant scheme.

NB: Special provisions for applicants aged 60 years and over or people with disabilities or long-term illnesses and not in receipt of one of the required means tested benefits.

Such applicants will be invited to undertake the national means test applicable to applications for Mandatory Disabled Facilities Grants using the household income figures. Where applicants who undertake this process are found to have a nil contribution of their own to make, then subject to other terms and conditions, they may be eligible for any category of Discretionary Home Repair Assistance grant.

APPENDIX 5

DISCRETIONARY LANDLORDS GRANTS

The Council will, subject to the terms and conditions detailed in Appendix 6, consider applications for:-

- a) Provision of one or more dwellings by conversion of a home or other building.
- b) Renovation of dwellings and other properties that have been empty for at least 6 months to bring them to a condition suitable for occupation.
- c) Installation of central heating where none is present, except where this contributes to a Category 1 hazard.
- d) Carrying out area regeneration/renewal works which may be undertaken in partnership with Housing Associations etc so as to enable a consistent approach to area renewal.

NB. Landlords may apply on behalf of their existing 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 tenant(s) with disabilities. The landlords' means test will not apply in these cases.

Landlords may not apply for any form of assistance under the Discretionary Home Repair Assistance category of grant, although tenants may apply.

Where a landlord submits an application for works mentioned in paragraph (a) above and the landlord intends himself to occupy one of the dwellings provided by the conversion as his only or main residence, the application will be determined as an owner/occupier application for a Discretionary Renovation Grant, and the terms and conditions pertaining to Discretionary Renovation Grants will apply.

The Landlords Means Test

It is the primary responsibility of the landlord to maintain the fabric of the structure and ensure the dwelling is fit for tenants to live in. The landlords' means test recognises the operation of a business by the landlord rather than the maintenance of a home for owner-occupiers and certain categories of tenants.

The landlords' means test requires that the applicant provides, 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 valuation must also state the amount of rent that properties similar to the subject property (i.e. of the same type, condition and tenure) in the locality yield and any increase in the rent that might reasonably be expected on completion of the agreed works. The cost of gaining such valuations may be included in the grant calculation although no payment will be made towards such costs where no grant is approved or agreed works are not completed.

The first stage in determining the level of a landlords' grant is based on the likely increase in the capital value of the subject property following completion of the agreed works. This will be determined from the formula:

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

Where: A = Current Capital Value of Property
 B = Cost of Agreed Works
 C = Estimated Improved Value of Property

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 there will be no grant assistance.

Where this initial process determines a level of grant of less than 50% of the cost of agreed works, the Council shall have regard to the amount of loan that could be raised from the notional increase in rental income from the subject property over a 10-year repayment period at an interest rate of 3% above the bank base lending rate. The grant may be increased by the amount the applicant is unable to finance towards his contribution towards the agreed works from the increased income. **The final grant awarded may not exceed 50% of the cost of the agreed works.**

The Council may waive the financial means testing of applicants for Discretionary Landlords Grants in areas of renewal, group repair etc where the prime objective is regeneration of the area which could otherwise be hampered by the potential pepper potting effect caused by a means tested approach. The Council may instigate schemes

whereby a percentage grant is available for agreed works purely due to the location of a property without any recourse to means testing of owners or tenants. The use of such an approach will require the authorisation of Council and will be considered an exceptional approach to Discretionary Landlords Grants.

APPENDIX 6

GRANT TERMS AND CONDITIONS

Any grant shall be subject to the following terms and conditions, except for Mandatory Disabled Facilities Grants which are subject to terms and conditions set by Government.

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

General Conditions

1. In making a grant application when applicants sign the application form they are agreeing to all the terms and conditions as detailed by the Council.
2. Information provided to the Council by applicants as part of the grant 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 the investigation of other possible criminal activities.
3. The Council may not consider grant applications from persons, organisations etc where there is a possible alternative source of funding for maintaining properties, e.g. the NHS.
4. In considering grant applications for the benefit of people with disabilities the Council may choose not to grant aid adaptations for which Hampshire County Council Social Services are responsible for under the Chronically Sick and Disabled Persons Act 1970.
5. An application for a Discretionary Disabled Facilities Grant will only be considered complete when it is accompanied by an Occupational Therapist's report recommending the necessary works.
6. No application shall be accepted for a Discretionary Renovation Grant where the proposals include works previously carried out and covered by builders' warranties.
7. An application for grant assistance towards works that have already been completed will not be processed, except where urgent repairs were necessary and were identified as such by a council officer before the work was completed. Where the relevant works have been begun but have not been completed, the Council may approve the application for a grant if they are satisfied that there were good reasons for beginning

the works before the application was approved. In this case the relevant works may be varied to include only those works not completed.

8. The Council may refer enquiries for grant assistance to the externally managed Warm Front Scheme, or to the Home Improvement Agency if appropriate.
9. Grant applicants must be 18 years of age or over at the date of application and in the case of joint applications one must be 18 years of age or over at the date of application.
10. Grants will only be approved for applicants who provide evidence of a valid National Insurance Number.
11. Grant applications will only be accepted on the prescribed forms of the Council, and must contain all of the requirements referred to in this section.
12. Other than for Discretionary Home Repair Assistance Grants proof of title shall be provided to enable property ownership to be confirmed, and proof of consent of any mortgagee to the application will be needed.
13. The Council may accept grant applications where there is an owner's interest in only part of the land to which an application for grant relates if:
 - a) the applicant has the power to carry out the works; and
 - b) the specified works are to be carried out on land, which is not the applicants' land.

Specified works means:

- i) Works to connect the applicants' property to gas, electricity and/or water supplies or a drainage system so as to provide suitable and sufficient lighting, heating, and water or an effective foul and/or surface water drainage system.
 - ii) Work to repair or renew any of the above.
 - iii) Works to provide access by a disabled occupant to their main home.
14. The Council will not insist that grant applicants who are able to raise their own funding through equity release or similar schemes are required as a result of any minimum funding values imposed by potential lenders, to raise funds in excess of the cost of agreed works.
 15. Before the Council requires a grant applicant to make a contribution towards the assisted work it shall have regard to the ability of the applicant to make that

contribution. In the case of any grant application accompanied by a certificate of intended letting then the landlords' means test shall apply. See Appendix 5.

16. 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 grant assistance.
17. At least two estimates/quotations shall accompany an application for grant assistance. The Council reserve the right to ask for further particulars and/or further estimates/quotations or to accept a single estimate/quotation where the work is of a specialist nature or the value of the work is less than £1,000.
18. If a grant applicant submits an estimate/quotation from a member of their family (as defined in Appendix 10, the grant will only be approved on the basis of the cost of materials and not labour.
19. It is the grant applicant who employs the builder to undertake agreed works and the Council have no contractual liabilities in that relationship as their role is only to administer the grant process.
20. The responsibility to obtain necessary approvals for grant aided works e.g. Planning Permission or Building Regulation Approval and compliance with the terms and conditions of the grant rests with the applicant or his appointed agent.
21. The grant applicant is ultimately responsible for ensuring the quality of the completed works; that responsibility can be passed on to an agent of the applicant, e.g. an architect or the Home Improvement Agency.
22. In the case of grants for works to common parts of a multi-occupied premises an applicant may be assisted with the proportion of the cost of the relevant works for which they are responsible, e.g. where there are 4 residents each will be considered responsible for one quarter of the common parts unless evidence to the contrary, e.g. deeds or tenancy agreements etc, prove otherwise.
23. The Council will not undertake works on behalf of applicants, except where works may be done in default of an owner's, tenants etc failure to comply with a statutory notice.

24. Where it is believed there may have been an attempt to deliberately defraud the Council, the matter will be investigated and appropriate formal action taken. This may involve other agencies, e.g. the Police and may result in prosecution proceedings.
25. The Council reserves the right to defer consideration or approval of grant applications in order to properly manage its budgets.
26. Upon the authority of the Head of Housing Services any application for grant aid can be reconsidered.

Grant Conditions

27. Upon completion of works the subject of Discretionary Renovation Grant aid or Discretionary Landlord Grant aid the property is to be free from any Category 1 hazard (or the hazard is moderated as far as is practicable) as defined by the Housing Act 2004. Any exception to this requirement will require the authority of the Head of Housing Services.
28. Applications from owners for Discretionary Renovation Grants must be accompanied by an owner-occupation certificate stating the applicant has or proposes to acquire a qualifying owner's interest in the property the subject of the application for grant assistance, and that throughout a period of 10 years from the completion date of the grant the applicant, or a member of his/her family, will live in the dwelling as their only or main residence.

Where an application is made to provide one or more dwellings by conversion of a dwelling or other building and the applicant intends to occupy one of the dwellings provided as his/her only main residence, the application must be accompanied by an owner-occupation certificate for the dwelling.

29. Applications from tenants for Discretionary Renovation Grants must be from qualifying tenants who according to the terms of their lease are responsible for the work for which grant assistance is being sought.
30. A grant applications initiated by a qualifying tenant 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 except where the Council consider it is unreasonable

to require such a certificate. In all other circumstances work to a property will require the owner's written authority.

31. Applications for Discretionary Landlords' Grants must be accompanied by a certificate of intended letting which states that the applicant has or proposes to acquire a qualifying owner's interest in the property the subject of the application for grant assistance. The certificate of intended letting also states that throughout a period of 10 years from the completion date of the grant the property will be let or available for letting as a residence, not a holiday home, to a person/s not related to or connected with the owner of the dwelling for which grant assistance was awarded.

Where grant assistance is sought to provide one or more dwellings by conversion of a dwelling or other building and the landlord intends to occupy one of the dwellings provided for himself as his only or main residence, he shall be required to provide a certificate of owner-occupation for the dwelling he intends to occupy, and certificates of intended letting for the other dwellings provided by conversion.

32. An owner's application for a Discretionary Disabled Facilities Grants must be accompanied by an owner's certificate stating that the applicant has or proposes to acquire a qualifying owner's interest in the property the subject of the application for grant assistance. The owner's certificate must also state the applicant's intention that the disabled occupant will live in the dwelling as his/her only or main residence throughout a period of five years from the completion date of the grant or for such shorter period as his/her health and other relevant circumstances permit.
33. A tenant's application for a Discretionary Disabled Facilities Grant must be accompanied by a tenant's certificate stating that the applicant intends that he, or the disabled occupant, will live in the dwelling as his only or main residence throughout a period of five years from the completion date of the grant or for such shorter period as his/her health and other relevant circumstances permit. A tenant's application for a Discretionary Disabled Facilities Grant must also be accompanied by an owner's certificate from the person who, at the time of the grant application, is the landlord for the dwelling.
34. The Council may decide to impose any of the following conditions on any of the following grants approved:

- a) For a Discretionary Landlords Grant, the Council shall be entitled to nominate tenants to the property and to specify a maximum rent chargeable throughout the grant condition period.
- b) For a Discretionary Renovation Grant or a Discretionary Landlords Grant, the Council may require the applicant to execute such works it considers practical and cost effective to significantly improve the energy efficiency of the grant-aided property.

In the event of a breach of any of these conditions the Council may demand repayment of the grant paid from the applicant.

35. In the case of any grant accompanied by a Certificate of Owner-Occupation or a Certificate of Intended Letting, for which part or complete payment has been made, where the applicant disposes of the property, or the property ceases to be occupied in accordance with the intention stated in the certificate before the completion date she/he shall repay to the Council on demand the amount of grant that has been paid.

Where the applicant disposes of the property, or the property ceases to be occupied in accordance with the intention stated in the certificate on or after the completion date and before the end of a 10 year period following the completion date of the grant then she/he shall repay to the Council on demand the amount of grant that has been paid or such part thereof as detailed, depending on when the contravention of the grant condition occurred:

0 – 5 years after final payment - 100% repayment

6 – 7 years after final payment - 75% repayment

8 – 10 years after final payment - 50% repayment

In cases where a property is disposed of before the completion date or within the 10 year period following the completion date and grant recipients wish to make representations as to why grants should not be repaid they will be considered by the Head of Housing Services, who will determine whether to waive repayment or not. In considering such representations regard will be made to Appendix 9.

36. In the case of a Landlords Grant where the owner allows the dwelling to fall into disrepair such that enforcement action is taken by means of statutory notice within ten years of the completion date of the grant then she/he shall repay to the Council on demand the full amount of the grant together with compound interest at a reasonable rate as determined by the Council, unless the housing conditions are improved within a

time period the Council determines as reasonable according to the work that is necessary.

37. Where the applicant fails to repay the grant on demand, the Council will place a charge on the property, which will incur compound interest at a reasonable rate as determined by the Council. However, before enforcing a grant condition requiring repayment of all or part of the grant, the Council shall have regard to the ability of the person concerned to make that repayment.

38. In the 10 year period following the completion date of a Discretionary Renovation Grant or a Discretionary Landlord's Grant the applicant shall, within 21 days of the receipt of a written request from the Council, advise the Council how she/he is complying with any of the terms and conditions of the grant.

Failure to comply with this will constitute a deemed failure of grant conditions requiring total repayment of grant together with compound interest at a reasonable rate determined by the Council.

39. If at anytime while a grant condition remains in force:

- a) the amount of grant is repaid to the Council, or
- b) the Council determine not to demand repayment on a breach of a grant condition,

the grant conditions shall cease to be in force with respect to that building.

40. In the event of a recipient of grant aid pursuing a successful insurance claim, action for legal damages etc which covers the cost of works for which a 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.

41. Any condition under this section is a Local Land Charge and is binding on any person who is for the time being an owner of the premises concerned.

Grant Approvals and Payments

42. The amount of grant payable shall be the actual cost of undertaking the works plus any associated fees less any applicant's contribution. Additional grant 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 the Council is satisfied that there have been increases in costs beyond the control of the applicant. Before the Council varies the specification of the grant-assisted work they shall obtain the consent of every person who is likely to be affected to any material extent by the variation provided that any delay in authorising the variation does not place the resident of the premises concerned at risk or at considerable discomfort. A formal re-approval to a higher level of grant assistance will be required before any grant above the originally approved level is paid.

43. The Council may from time to time utilise other streams of funding from external sources aimed at specific subjects to target issues of local and national concern. Any special terms and conditions applicable to such initiatives will be appended to the Private Sector Housing Renewal Policy as they will not significantly alter the Council's primary approach. Grant Applicants will be required to apply for other sources of funding, where appropriate, to support the proposed grant-assisted work. Grant assistance awarded by the Council will take account of other funding to which the grant applicant is entitled.
44. The Council will include the cost of preliminary or ancillary services, fees and charges within the grant calculation; 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 grant approval.
45. The Council shall notify the applicant in writing as soon as reasonably practicable, being not later than six months after a complete application is received, whether the application for grant is approved or refused. In approving an application the Council shall determine the works that are eligible for grant, the amount of expenses that in their opinion are properly to be incurred in the execution of these works, the amount of the cost with respect to preliminary or ancillary services and charges, and the amount of the grant the Council has awarded.
46. Where the Council decide to refuse an application, the applicant will be notified of the reasons for the refusal, and be given the opportunity to make representations to the Head of Housing Services.
47. 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. The Council may allow further time

where they are satisfied that the delay in completing the works is beyond the control of the applicant.

48. The grant works must be carried out by one of the contractors whose estimates/quotation were submitted as part of the application process, the grant having been calculated using the lowest priced estimate/quotation.
49. All grant payments shall be conditional upon receipt of an acceptable invoice and that works to the appropriate stage have been satisfactorily completed. Grant payments shall be made direct to the appropriate contractor following agreement with the applicant. 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 at the discretion of the Council.
50. The payment of any grant approved will only be considered after any applicants' contribution has been accounted for in the value of invoices submitted.
51. The Council will consider requests for interim payments; no interim payment will 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.
52. Where an application for a grant has been approved and
 - a) the grant assisted works are not completed to the satisfaction of the Council; or
 - b) the Council determine that the final cost of completing the work, together with any preliminary or ancillary services and charges, is lower than the amount upon which the grant was based; or
 - c) the Council determine that the assisted works were carried out by a contractor who did not submit an estimate which accompanied the grant applicationthe Council may refuse to pay the grant or any further instalments, or make a proportionate reduction in the grant. The Council may also demand repayment of any grant paid from the applicant, together with interest at such reasonable rate as the Council may determine from the date of payment until repayment.
53. Where a grant applicants' circumstances are confirmed as being 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 Housing Services may give authority to provide

further funding so as to conclude work at a suitable and appropriate stage. Where payments have been made, the Council 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.

54. Where during the period up to payment of a grant the Council becomes aware that the financial circumstances of a grant applicant are at variance with the particulars submitted at the time of application, the original grant approval may be amended or cancelled and the Council may demand repayment of any payments made together with compound interest from the date on which payment was made until repayment. In such circumstances the Council may choose to cancel the whole grant or demand repayment of all grant monies paid, plus compound interest, despite the fact that a reduced level of grant would have been approved.
55. Where the applicant dies after a grant application has been approved and liability has been incurred for any preliminary or ancillary services or charges, the Council may pay grant in respect of some or all of these costs.
56. Where the applicant dies after the grant application has been approved but before the relevant works have been completed, the Council may pay grant in respect of some or all of the works already carried out and other relevant works covered by the application.

APPENDIX 7

PRIVATE SECTOR HOUSING ENFORCEMENT POLICY

1. Introduction

This policy is an integral element of the Private Sector Housing Renewal Policy and although the Council will do all it can to educate, inform and encourage property owners to undertake their responsibilities, firm enforcement action to protect the health and safety of tenants, occupiers and others will sometimes be required.

The Council has, under the Housing Act 2004 and other legislation, a range of powers for dealing with substandard housing. The initiation of formal enforcement action will only occur when other measures have failed to produce the necessary response, or where there is an urgent need for action or legislation requires such.

This Enforcement Policy sets out the general principles and approach which the Council will follow when considering enforcement action in the field of private sector housing.

2. What can be expected from Enforcement Officers

A courteous manner.

Proper identification, which shall be shown upon request.

Information and advice will be provided in plain language.

Feedback on any visit.

A clear distinction between what is recommended as good practice and what the law requires.

Reasons in writing for any action required.

Reasonable time to meet statutory requirements.

Full details on the correct procedure for appealing against a statutory notice.

3. Principles of Enforcement

The Council will ensure the primary objective of a fair, reasonable and consistent approach to enforcement is provided through the principles of *Proportionality* in applying the law and securing compliance; *Consistency* of approach; *Targeting* of enforcement action; and *Transparency* about how the Council operates and what customers may expect.

- *Proportionality*

means relating appropriate enforcement action to risks and the seriousness of any breach of legislation. The Council will work with property owners so that they can meet their legal obligations without unnecessary expense.

- *Consistency*

means taking a similar approach in similar circumstances to achieve similar ends, it does not mean uniformity. Consistency shall be achieved through working to agreed procedures with proper and timely management overview.

- *Targeting*

means that attention is targeted primarily on those whose activities/inactivities give rise to the most serious risk or where conditions are least well maintained; and that action is focused on the person/s responsible for the risk or poor conditions and who are best placed to remedy such matters.

- *Transparency*

means helping those responsible to understand what is expected of them and what they should expect from the Council. It also means making clear to them what they are required to do and what they are advised to do.

4. **Purpose and Method of Enforcement**

The need for enforcement action may arise following a complaint received, through the programmed inspections detailed in Appendix 8, or through proactive area surveys.

In order for enforcement to be fair and transparent, any person against whom it is proposed to take enforcement action shall be given a written notice of the intention to take such action and shall be given a reasonable period of time to make representations to the Council. It is important that the basis on which enforcement decisions are made is known by all those involved. Any disputes between the Council and its customers shall be dealt with through our complaints procedures, detailed in Section 10. In areas where disputes cannot be resolved, any right of complaint or appeal will be fully explained.

To ensure consistency with enforcement, a checklist shall be completed by the enforcement officer prior to the service of any statutory notice to show this enforcement

policy has been complied with, and approval for the enforcement action shall be sought from the Housing Improvements Manager.

Consistency shall be further achieved by all enforcement officers working to an agreed procedure which states, in general, that:

- Initial contact shall be made with a complainant within 2 working days of receiving the complaint.
- A site visit shall be made within 15 working days of the initial contact.
- Where necessary, the property manager shall be informed in writing of the complaint within 10 working days, detailing the remedial works proposed. The property manager may be required to submit information on the property ownership.
- Where necessary, intention to take enforcement action shall be served on the property manager/owner within 10 working days of receiving the ownership details. This notice shall offer a reasonable period for the property manager/owner to make representations against the intention.
- Where necessary, a statutory notice shall be served on the property manager/owner within 10 working days of the completion of the consultation period. This notice shall give a reasonable period by which to commence and complete the required remedial works.
- Within 10 working days of the statutory notice not being complied with, a decision shall be taken on prosecution and/or work in default.

The above procedures may be accelerated in cases of emergency.

5. **Enforcement Options**

Upon consideration of all available evidence the enforcement officer has a number of options to:-

- a) take no action
- b) offer informal action/advice
- c) serve a statutory notice
- d) issue of a formal caution
- e) prosecute
- f) carry out works in default

These courses of action are not necessarily mutually exclusive and an act of enforcement could involve a number of these options.

a) To take no action:

If upon investigation no, or minimal risks to the health and safety of the occupants or breaches of legislation are identified.

b) Taking Informal action/ offering advice:

Includes offering of verbal or written advice, verbal warnings and written requests for action. Advice will be clearly stated and confirmed in writing, if requested or required, and will explain why remedial work is necessary, over what timescale it must be carried out and what is the minimum legal requirement, as well as any advisory information.

Informal action is appropriate when:

- The matter is not serious enough to warrant formal action.
- Previous history suggests informal action will achieve compliance.
- Generally standards are high.
- The consequences of non-compliance do not present a significant risk.
- The matter concerned is not a strict breach of law but the advice is good practice.

An investigating officer may determine that even where some of the above criteria are not met that informal action may be more effective than a formal approach initially.

c) Service of Statutory Notice:

The use of statutory notices will be linked to criteria including risk except where the Council is required to serve notice by controlling legislation.

Service of statutory notice is appropriate when:

- There are significant contraventions of legislation.
- There is a lack of confidence in a successful outcome from an informal approach.
- There is a serious risk to health and/or safety.
- The consequences of non-compliance present a significant risk.
- There are multiple breaches of legislation.
- No remedial action has been taken after an informal approach.
- Generally standards are not good.
- There is a statutory duty to take formal action.

Notices must only be served where there is proof that an offence has been or will be committed such that the evidence available would be admissible as evidence in a court of law.

The limits specified in the notice must be realistic and where possible all requirements of the notice should be agreed with the recipient in advance. In arriving at limits and requirements for a notice the officer must give due consideration to the likely cost of works, extent of works, availability of equipment and/or expertise required in order to ensure a realistic outcome.

All statutory notices served must set out rights of appeal and clearly state that failure to comply may result in court proceedings or work being carried out in default, if appropriate, at the owners/landlords expense.

d) Issue of a Formal Caution:

A formal caution can be offered as an alternative to prosecution but must only be considered in cases where the evidential criteria for prosecution are satisfied. A formal caution is where an offender is given written details of the offence and signs admitting the offence. It is not a form of sentence. A record of the caution is kept and may subsequently influence a decision to instigate legal proceedings should the offender break the law in the future.

The purpose of a formal caution is:

- a) To deal quickly and simply with less serious offences.
- b) To divert less serious offences away from the courts.
- c) To reduce the chances of repeat offences.

The offer of a formal caution is appropriate when:

- The interests of justice will not be served by court action.
- Offences of a minor nature are not actioned following service of a statutory notice and there is no risk to health/safety.
- A 'technical' offence has been committed and there is a need for the offence to be formally recorded.

The investigating officer must compile a 'prosecution' file before the formal caution is offered to the alleged guilty party.

The alleged guilty party must be given sufficient information to understand the significance of a formal caution.

In the event of the offer of a formal caution being refused, the council will pursue the offence through a prosecution, except in exceptional circumstances as authorised by the Head of Housing Services.

e) Prosecution:

Prosecutions in general will be restricted to more serious offences and will occur only after full consideration of the circumstances of a case. When considering a prosecution regard must be had to the Code of Practice for Crown Prosecutors.

There must be reliable evidence of an offence, a realistic prospect of conviction, consideration of the likelihood of the defendant being able to establish a suitable defence and the availability of witnesses and their willingness to co-operate.

If the evidential criteria above are met then the public interest criteria in support of prosecution should be considered:

- A conviction is likely to result in a significant penalty.
- There has been a blatant disregard for the law, including where the economic advantages of breaking the law are substantial and the law abiding are placed at a disadvantage to those who disregard it.
- When there appears to have been reckless disregard for the health and safety of occupiers or others.
- Where there have been repeated breaches of legal requirements in a property or several properties in the same ownership and it appears the owner/landlord is neither willing nor able to deal adequately with these.
- Where, as a result of a substantial legal contravention, there has been a serious accident or a case of ill health.
- Where there are persistent poor standards.
- The requirements and recommendations previously provided have been ignored and the owner/landlord has failed to correct a serious risk having been given reasonable opportunity to do so.
- A statutory notice has been served and the time allowed for works to be undertaken expired, without an appeal being lodged.
- A formal caution has been offered and refused or where a formal caution has previously been accepted for a similar offence.

It is also necessary to consider public interest criteria against prosecution:

- The court is likely to impose a very small fine or nominal penalty.
- The offence was committed as a result of a genuine mistake or misunderstanding, (balanced against the seriousness of an offence).
- Loss or harm suffered can be considered minor and was the result of a single incident, particularly if caused by misjudgement.
- There has been a long delay between the offence occurring and the date of the trial, unless:
 - the offence is serious;
 - the delay has been caused in part by the defendant;
 - the offence has only recently come to light; or
 - the complexity of the offence has meant that there has been a long investigation.
- A prosecution is likely to have a very bad effect on the physical or mental health of the tenant/victim, (bearing in mind the seriousness of the offence).
- The defendant is elderly or is, or was at the time of the offence, suffering from significant mental or physical ill health, unless the offence is serious or there is a real possibility it may be repeated.
- The defendant has put right the defects, loss or harm that was caused, (defendants will not avoid prosecution simply because they can pay compensation).
- A willingness of the defendant to prevent a recurrence of the problem.
- Information may enter the public domain that the Council or other public bodies may at least consider inappropriate.
- It would it be a more efficient use of public funds to simply proceed to carrying out works in default, (bearing in mind the seriousness of the offence).

The decision on public interest is not simply an arithmetic calculation of pros and cons but involves officers deciding how important each factor is in the circumstances of individual cases and reaching an overall conclusion.

A decision to prosecute does not necessarily preclude the act of serving a notice or carrying out works in default as well.

f) Works in Default:

The use of this power will initially be determined by the legislation under which a statutory notice was served and whether it allows for work to be carried out in default.

Works in default will generally be carried out when:

- The person served with a notice fails to comply with its requirements.
- There has been no appeal against the notice, or an appeal has been quashed.
- It is considered more appropriate/effective than prosecution or a successful prosecution has been taken and the problem remains.
- The problem may be so serious as to require quick remediation through work in default at the same time as prosecution.
- The recipient of the notice has requested such and given an undertaking in writing to pay.

In considering whether to carry out works in default the following criteria will be considered:

- The seriousness of the defect and the urgency of the need to remedy the situation.
- The ability of the council to reclaim the cost of undertaking the works, plus an administration charge, should the recipient of the notice appeal the costs.
- The comments of the recipient of the notice.

In commissioning any works so as to carry out works in default, the Councils' standing orders governing financial matters will apply including the provisions requiring works in emergency situations.

In all cases the Council will seek to recover their costs incurred in the cause plus reasonable charges for administration. Where payment is delayed compound interest will be charged. Outstanding monies owed may be recovered by placing a charge on a property.

5. **General Matters:**

Enforcement action taken under this Policy shall have due regard to the advice of the Council's Solicitor and will be carried out in line with the Council's scheme of delegation.

The rights of a defendant to refuse a formal caution or appeal a statutory notice will be provided in writing to that person. The right to appeal against a prosecution will be detailed by the court's administrators.

In carrying out this enforcement policy the Council's duly authorised officers may use any of their powers, including power of entry. If entry to premises is initially refused

following an informal notice requiring entry at least 24 hours in advance, an investigating officer may apply for a warrant for entry, using force to enter if necessary.

The Council will ensure all officers carrying out enforcement duties are suitably trained.

The Council may make a charge for undertaking enforcement action.

APPENDIX 8

KEY SERVICE STANDARDS

The Housing Improvements Team 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 within 2 working days of receipt of complaint.
- Written response made to letters within 10 working days of receipt of letter.
- The management of all known houses in multiple occupation to be assessed annually.
- All licensed caravan sites to be inspected annually.
- All initial grant enquiries to be processed to a point of initial inspection within 15 working days of receipt of enquiry.
- Schedule of works prepared within 20 working days of initial inspection.
- Full application pack sent to 'applicant' within 10 working days of the grant-assisted works being agreed and, in the case of tenants' applications, the Landlord giving their consent for the works progressing.
- Grant approvals to be issued within 20 working days 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.
- 90% of customers of the Housing Improvements Team to be satisfied with the level of service provided.

APPENDIX 9

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

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 council), he shall repay to the Council on demand the amount of the grant.

The Council 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.

1. 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.
2. A disposal of premises to which an application for grant relates where the value of the premises at the date of disposal, after deducting the amount of grant that has been paid, is less than the value of the premises at the date of the grant approval.
3. A disposal made to a registered social landlord.

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.

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 persons, 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;
3. a compulsory disposal of property which is acquired compulsorily;
4. 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 and 2 above where the grant recovery conditions remain in force for any subsequent disposal within the original grant condition period.

APPENDIX 10

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 grants schedule produced or authorised by the Council.
“Category 1 hazard”	Are those defined in the Housing act 2004
“Charge on a Property”	is where the Council legally places a debt on the record of a house and recovers the debt 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.
“Completion Date”	the date certified by the Council as the date on which the execution of the grant-assisted works is completed to their satisfaction.
“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.
“Decent Home”	A home is classed as decent if it: <ul style="list-style-type: none">- is above the current minimum standard for housing;- is in a reasonable standard of repair;- has reasonably modern facilities; and- provides a reasonable degree of thermal comfort.
“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.
“Home Improvement Agency”	A service directed predominantly at older people, people with disabilities and residents on low incomes living in properties that are in disrepair or are inadequate for their needs, to enable the occupants to live in a safe, healthy and secure home.
“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.
“Mandatory Disabled Facilities Grant”	is defined as per in the Housing Grants Construction and Regeneration Act 1996, as amended, or as in any successor statutory definition.
“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"> • confirmation that the applicant has an owner’s interest • 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. • any fees charged by a private sector lending organisation in arranging a loan to contribute towards the agreed works. • any fees charged by an Independent Financial Advisor to offer advice on the availability of commercial loans. • obtaining specialist advice on property valuations. <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 Owner’s interest”	that the applicant has a freehold interest or a leasehold interest where there is at least ten years of the lease left to run on every parcel of land on which the relevant works are to be carried out.
“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 grant 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.
“Relevant works”	the works in respect of which the grant is sought.
“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 appropriate legislation and failure to comply may result in prosecution through the courts or works

	being carried out at the responsible persons expense.
“Substantial Disrepair”	repairs to a single property, being required to put it in reasonable repair which will cost over £1,000.
“Warm Front Scheme”	A Government funded initiative to offer financial assistance to qualifying households for energy efficiency measures.
“Works in Default”	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”	days excluding Saturday, Sundays and Bank Holidays.