

Annex 2



Thanet District Council

Housing Assistance and Disabled Adaptations Policy

2019

(*Housing Assistance Policy*)

Thanet District Council

Regulatory Reform (Housing Assistance)(England and Wales) Order 2002 Housing Grants, Construction and Regeneration Act 1996

1. Introduction

The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 enables local authorities to provide financial assistance to households living in the private sector to carry out repairs, improvements and adaptations so that they can continue to live in their own homes as independently as possible for as long as their health and other relevant circumstances permit. In order to make use of these powers, the Council has to publish a Housing Assistance Policy. This document describes Thanet District Council's 2019 Housing Assistance Policy. It replaces the Housing Assistance and Disabled Adaptations Policy adopted January 2015

The policy also details our policy on mandatory Disabled Facilities Grants (DFGs), which are provided under The Housing Grants, Construction and Regeneration Act 1996. It should be noted, The DFG programme is top-sliced by KCC to fund other disabled adaptations.

The policy recognises the pressures on the Council's own capital funds and any money for future housing renewal is only likely to be funded from the repayment of previous loans and grants and any new external funding that may become available.

The main focus of our discretionary Housing Assistance is towards:

- Schemes to improve the health and independence of persons with disabilities, the elderly and those with long term health conditions,
- To reduce the number of homes with category one hazards,
- To reduce fuel poverty,
- To enable more effective use of the mandatory Disabled Facilities Grant,
- To facilitate hospital discharge and reduce "bed blocking",
- To encourage people to bring empty homes back into use.

2. Fundamental principles:

It is neither possible nor desirable for the Council to offer financial assistance for all private sector house condition problems. It can only directly assist a proportion of these through targeting the limited resources available.

Although the responsibility to maintain private property rests firmly with the owner, it is recognised that the private housing stock is a major public asset and can have an important effect on the occupier's health and independence. Most assistance is offered as an investment in this local and national asset, for long-term public benefit, economic regeneration and to improve the health and independence of our residents which results in less demand on health and social care resources. In addition, certain forms of assistance can help balance the local housing market in a way that gives more choice and opportunities to those in housing need and bring additional good quality housing back into use.

The use of loans will be used where appropriate and loans and grants that are repaid will be recycled into further private sector housing renewal. The Council and central Government considers that this is an appropriate way forward given the pressure on resources and because, over time, it will allow more homeowners to be assisted with a limited amount of resource.

The Policy contributes towards Council Priority P2 (Supporting Neighbourhoods) by:

1. Assisting disabled residents to remain in their homes by supporting the provision of adaptations (so far as this is reasonably practicable)
2. Facilitating prompt discharge of patients from hospital thus relieving pressure on the NHS
3. Safeguarding the health and well-being of vulnerable residents by removing unnecessary hazards to health in their homes
4. Maximising housing supply through supporting repairs and improvements to return empty homes back into use
5. Promoting affordable warmth through improving private sector home energy efficiency

The rest of this document describes the various types of assistance available and the qualifying criteria.

3. Mandatory Disabled Facilities Grants

The delivery of the disabled facilities grant programme is mandatory and a statutory function of the local housing authority. The delivery of this function currently sits within the Housing Service but it is possible for the function or parts of it to be delegated to another organisation instead. The award of grants is governed by the Housing Grants, Construction and Regeneration Act 1996.

Purpose of Grant - Overview

A Disabled Facilities Grant is intended to pay for a package of adaptations to someone's home. The works that may attract a mandatory grant are listed in Appendix A at the end of this policy. A grant applicant's adaptation needs will usually be assessed by an Occupational Therapist at the beginning of the process and a scheme of appropriate works will then be designed. The grant will only cover the cost of carrying-out the works in the most cost-effective way. The applicant is able to design a scheme that is more extensive, or different, from the recommended scheme provided they are willing to pay any extra costs incurred. How grants are accessed is set out below:

Referral

Most disabled people wanting a grant are referred to the council via social services. If a self-referral is made, the disabled person will be asked to contact social services for an assessment of their adaptation needs. This is to enable social services to both assess the person's needs and identify any equipment that might help or any care package that might be available. An occupational therapist (OT) usually carries out this assessment because this is their area of expertise.

Eligibility

The council will ensure that the proposed works are necessary and appropriate and check that the property is suitable for adaptation. We will also check whether the proposed works are the most cost effective method of achieving an appropriate adaptation. As part of the process, details of the disabled person's income and savings (and their partner's, if they have one) will be sought to determine whether they are eligible for a full grant or if they have to make a contribution towards the cost of the works from their own resources.

Application for a grant

Most people ask a surveyor or architect to prepare their grant application for them; the process is quite time-consuming and requires technical knowledge. The surveyor will draw plans, write a specification of work, obtain estimates from suitable builders, apply for any other necessary consents and put together a complete grant application on the applicant's behalf. Their reasonable fees can usually be included in the grant.

The Thanet Home Improvement Agency is currently endorsed by the council for this purpose and has considerable experience of designing for people with disabilities. They also work with firms of experienced and trustworthy builders who can be relied on to do the work; however a client is able to employ a surveyor or other agent of their own choice to assist them. The grant will only pay a contribution towards the fees for an agent up to, but not exceeding, the amount of fees that the Home Improvement Agency would have charged for the work in question and, in order to qualify for a contribution towards an agent's fees the agent must be a fit and proper person who has considerable experience in designing for the disabled (see criteria at appendix B).

The applicant or their surveyor must send in the following documents to make a valid application for a grant:

- A completed set of application forms
- Evidence of financial situation
- Evidence of ownership of the property or the right to reside at the property
- Permission for the works to be carried out
- A detailed schedule of works and plans that must be agreed by the council and the OT
- Any planning, conservation or building regulation approvals
- 3 competitive tenders for the works. Lower numbers of tenders will only be accepted where the work is so specialised that it is not possible to get three.

Approval or Refusal

Once an application has been received the council will make a decision as soon as reasonably practicable, but in any case within six months, provided all the necessary paperwork has been submitted. Failure to provide all the relevant paperwork could result in the grant being delayed or refused.

As part of the process, all builders' estimates and other fees and charges will be assessed for reasonableness and where costs seem excessive the full cost may not be met by the grant. The grant will only cover the amount the council thinks is

appropriate for the work proposed, but there is nothing to stop the applicant topping up the grant from their own resources to pay for a particular builder or for unusually-expensive fixtures and fittings. Similarly there is nothing to stop the applicant carrying-out more extensive work than is strictly necessary to achieve the objectives of the adaptation scheme, but in these cases the grant will be based on the most modest way of doing the work, leaving the applicant to top-up the extra cost from their own resources. The only stipulation, in these circumstances, is that the finished job must fully meet the adaptation needs as assessed by the Occupational Therapist and agreed by the Grants Officer.

When a grant is approved a formal approval letter will be sent out detailing the terms of the grant and the conditions that need to be met.

The largest grant the council is allowed to award is £30,000, including fees, VAT and any other costs. If the total cost of the scheme of work is greater than this then the applicant will have to pay the extra cost from their own resources unless they are eligible for any kind of top-up funding from other sources.

Once approved, the applicant has 12 months to complete the works.

Work on Site

After the grant has been approved the surveyor will enter into a contract with the builder on behalf of the applicant. He/she will arrange a suitable start date and supervise the work in progress. It is not uncommon for additional works to become necessary whilst the job is in progress (eg repairs to the floor or re-siting of cables and pipes) and the surveyor will negotiate these with the builder and the grants officer. Once the work is all complete the surveyor will arrange a final inspection and organise the payments due to the builder.

Payment of the grant

The grant will be paid direct to the builder in all but the most exceptional cases. Surveyors' fees are usually paid when the work is all complete. The grant will be re-calculated if necessary and the applicant will be notified of the final amount of grant paid.

Where fees are necessarily incurred for preparation of a scheme of works but the application does not proceed to completion due to circumstances beyond the control of the applicant the council may negotiate a reasonable settlement with the agent concerned to ensure that they are not out of pocket. If abortive fees are incurred through circumstances within the applicant's control the agent will be expected to recover any fees and out of pocket expenses direct from the applicant.

Grant Conditions

General conditions can be found in section 7.0. The conditions set out below are specific to the Disabled Facilities Grant.

- If you are an owner occupier then a local land charge will usually be placed on your property on completion of the work. If the property is sold, assigned or transferred within 10 years of the grant being completed then the grant may have to be repaid. The council will have regard to *The Housing Grants*,

Construction and Regeneration Act 1996: Disabled Facilities Grants (Conditions relating to approval or payment of Grant) General Consent 2008 when deciding whether to demand repayment. The charge only applies where the grant is more than £5,000. Where the grant is more than £5,000 only the amount over the first £5,000 is added as a charge. There is a charge limit of £10,000.

- Any increase in the grant may have an impact on the charge placed against the property.
- Under no circumstances can a grant of more than £30,000 be authorised, including fees, charges and VAT where applicable.

Repayment of disabled facilities grants

Under the general consent, made by the Secretary of State in 2008, the Council will in most cases require repayment of some of the grant if the property is sold within 10 years from the date of completion of the works and the applicant(s) no longer live there. The first £5,000 of the grant is not repayable but the remaining grant may be repayable up to a maximum of £10,000. In determining whether to require repayment, the council will consider;

- (i) The extent to which the recipient of the grant would suffer financial hardship were they to be required to repay all or any of the grant;
- (ii) Whether the disposal of the premises is to enable the recipient of the grant to take up employment, or to change the location of his employment;
- (iii) Whether the disposal is made for reasons connected with the physical or mental health or wellbeing of the recipient of the grant or of a disabled occupant of the premises; and
- (iv) Whether the disposal is made to enable the recipient of the grant to live with, or near, any person who is disabled or infirm and in need of care, which the recipient of the grant is intending to provide, or who is intending to provide care of which the recipient of the grant is in need by reason of disability or infirmity,

Use of other schemes

An applicant for a disabled facilities grant will be expected to apply for any other schemes that are available to help meet the requirements of the disabled person. For example, if there is a suitable stair lift scheme available at the time of the enquiry, the applicant will be expected to apply to that scheme if a stair lift is necessary rather than using the disabled facilities grant. It is expected that this will be quicker and provide a more suitable outcome for the applicant in terms of waiting times and cost effectiveness. The Grant Officer will discuss any alternative schemes with the applicant at the time of the initial visit.

Housing Association Tenants

All disabled people are entitled to make an application for a disabled facilities grant regardless of tenure. However, housing association tenants are expected to approach their housing association in the first instance. Housing Associations are expected to maintain their own housing stock and provide funding towards the cost of adaptations where possible.

Council Tenants

The council has a separate process for council tenants as adaptations are funded differently. East Kent Housing will arrange the adaptation of council homes without going through the DFG process.

4. **Discretionary Top-up Funding (to supplement Disabled Facilities Grants)**

Discretionary assistance is only offered subject to sufficient funds being available.

The Discretionary Funding offered here is paid under the council's Housing Assistance scheme and the rules governing eligibility and repayment differ from the statutory DFG scheme described above.

In some cases it is not possible for the works specified under a DFG to go ahead for a variety of reasons. In such cases it may be possible to award discretionary assistance to top-up or replace the mandatory grant as shown below:

- i) **Repairs or other works** which are essential to allow the works specified under a mandatory DFG to go ahead or to be completed. (eg re-wiring or repairs to rotted floors)

The applicant, if s/he is an owner, will be asked to pay for such repairs from their own resources but if there is insufficient funding for this to happen then discretionary top-up funding in the form of an interest-free repayable grant may be awarded to pay the repair costs up to a maximum of £10,000.

If the applicant is a tenant then the landlord will be asked to do the repairs and may, if s/he wishes, apply for a repayable grant as above which will be repayable in full if the property is sold within 10 years.

- ii) To pay all or some of the **applicant's contribution** towards the costs of a mandatory DFG where the necessary funding is not available or cannot be borrowed elsewhere. The applicant will be expected to provide evidence of having tried to raise the money by borrowing along with their application. The assistance will be an interest-free repayable grant of up to £20,000.
- iii) To pay the reasonably-incurred top-up costs where the necessary **works cost in excess of the mandatory grant limit** (currently £30,000) and the necessary funding is not available or cannot be borrowed elsewhere. The applicant will be expected to provide evidence of having tried to raise the money by borrowing along with their application.

The applicant will be asked to undertake the statutory means test for a Disabled Facilities Grant and/or provide other details of their household's financial resources to demonstrate there is financial hardship, even in children's cases. The maximum assistance will be an interest-free repayable grant of £20,000.

- iv) To pay for works that the KCC Occupational Therapist recommends as essential for the needs of the disabled person but which fall **outside the scope of**

mandatory grants (see Appendix A) and the necessary funding is not available or cannot be borrowed elsewhere.

The applicant will be asked to undertake the statutory means test for a Disabled Facilities Grant and/or provide other details of their household's financial resources to demonstrate there is financial hardship, even in children's cases. If the applicant could afford to pay for these works but declines to do so then the DFG will be awarded omitting the works in question. The maximum assistance will be an interest-free repayable grant of £20,000.

- v) **Moving costs** to allow a disabled person to relocate where adaptation of their existing home is not reasonable or practicable.

The assistance will only be offered where it can be shown that financial hardship would be caused to the applicant if they had to find another suitable property within their existing resources. The applicant will be asked to undertake the statutory means test for a Disabled Facilities Grant and/or provide other details to demonstrate that there is financial hardship.

The assistance, in the form of an interest-free repayable grant up to £20,000, will pay for legal and moving costs and any agreed reasonable additional cost to purchase a more suitable property. Social Services and the Council must agree the suitability of the new property. If the new property requires adaptation, a Disabled Facilities Grant may also be offered.

The finance will normally be paid on completion of the purchase of the property. In exceptional cases some or all of the repayable grant may be released to the applicant's solicitor at exchange of contracts stage.

A DFG applicant who is the owner of the property may apply for any of the above types of assistance in the form of an interest free repayable grant which is repayable in full if the property is sold within 10 years. Tenants will not normally be eligible for this assistance.

For the avoidance of doubt, where applicants apply for any discretionary top-up funding the first £6,000 of their savings or capital will be disregarded but any financial resources above this will be deemed to be available to contribute towards the cost of the work.

Where the DFG is a tenant's application their landlord may, if he wishes, apply for a repayable grant to help him carry out the repairs at (i) above to a standard agreed by the council. If approved, the grant will be interest-free. The criteria for grants to landlords are

- The property must be licensed where appropriate
- The landlord must have complied with any statutory notices served on him within the last five years

In all cases where a loan is offered, it will be repayable in full if the property is sold within 10 years and will be binding on any person who is, for the time being, an owner of the property. It will be secured as a local land charge until repayment has been made or the council has waived its right to repayment.

In the case of repayable grants to landlords, the grant will also become repayable if the tenant is served with a s.21 notice within 10 years of the grant being awarded.

If, at the time repayment is due, the applicant feels unable to repay the grant, they must contact the council. There are statutory rules governing repayment. In particular the council must look at the applicants financial position before demanding the money back, and satisfy themselves that they have the means to pay and that it would be reasonable to ask for repayment.

5. Other kinds of Financial Assistance

a) Stairlift Grant

Where there is an urgent need for a stairlift in a disabled person's home, a grant of up to £7,000 will be provided for a stairlift in the following cases;

- a) Where lack of a working stairlift in their home is delaying the discharge of a disabled patient from hospital.
- b) Where a person can reasonably be expected to become disabled following an operation (such as leg amputation) and a stairlift is required before the person can be discharged.

The grant has no conditions and no means test is applied. The grant can be accessed by owner occupiers and private tenants (with the landlord's permission). The request for a stairlift will be subject to a home assessment by a suitably qualified person such as an Occupational Therapist. A warranty and service agreement will normally be provided initially, but the responsibility for the lift's long-term maintenance and servicing would rest with the grant recipient. The Council have the right to choose a preferred contractor to supply and fit the lift.

b) Winter warmth grant

This is intended primarily to reduce the number of cold homes occupied by older people with a long term health condition. It will pay for heating or insulation (normally replacement boilers and/or heating) where the applicant has a long term illness and is aged over 60. Younger people, especially families with children under 5 years of age, can apply if their condition requires the provision of space heating at a constant temperature. The maximum grant is £10,000. Confirmation is required that the applicant has a long-term health condition. The following conditions apply:

- The grant is subject to repayment conditions for 10 years from the date of payment.
- During the 10 year condition period, the grant becomes repayable in full if the property is sold, and the applicants no longer occupy the property.
- This is normally only available to owner occupiers.
- In certain cases, where there is no prospect of getting the landlord to carry out the work, a tenant may apply and if successful may be awarded a grant.

c) County-wide energy efficiency and closely related schemes

Thanet is a member of the Kent Energy Efficiency Partnership (KEEP) which is able, from time to time, to negotiate benefits which can be offered to residents across Kent. Examples include collective switching schemes, ECO schemes, LA Flex, etc. These benefits are often co-ordinated by KCC, requiring no financial input from District Councils, except officer time to publicise the schemes and make referrals.

d) Urgent Home Repair grant

An interest free repayable grant may be awarded to owner-occupiers whose properties have a serious hazard (category 1) likely to cause harm. The hazard will be assessed using the statutory Housing Health and Safety Rating System. Examples of the kind of repairs envisaged include repairing roofs, re-wiring and treating dry rot outbreaks.

The qualifying criteria are

- Owners who are in receipt of a means tested benefit, or
- Owners who are expected to make a financial contribution of less than £10,000 using the statutory (DFG) means test but who do not have this sum available and cannot reasonably borrow the sum required on the open market.

The maximum repayable grant is £20,000. The eligible works are those which eliminate the serious hazard(s) in the property. The grant is repayable if the property is sold within 10 years and the applicant(s) will no longer live there. See section 7.

The grant will normally be registered as a local land charge. Landlords and tenants are not eligible to apply.

d) Home Enablement Service

The Council will provide funding for a free service to hospital patients which is intended to facilitate earlier discharge from hospital back to the home environment, where there is a housing-related issue which is preventing them from being discharged, or to improve the home environment to prevent hospital admission in the first place.

Normally referrals for the service will originate from the local hospitals, Care Navigators, GPs, Occupational Therapists and health trainers. The service will enable earlier discharge from hospital by providing improvements to the home environment. Examples of the works envisaged include installation of key safes, handrails, clearing a room to make it safe to move around in (including tackling hoarding), bringing a bed from upstairs to a downstairs room, fitting locks to doors and windows, minor heating alterations, etc.

e) Handyperson Scheme

The Home Improvement Agency already provides a paid-for Handyperson Scheme. The service covers minor repairs, security and health and safety works for home owners and private sector tenants over 55 years old, who are either vulnerable or who have a physical or mental disability which prevents them undertaking the works themselves.

The scheme is not an emergency call out service, nor does it address gas/electrical works, or carry out external repairs above two storeys high. If funding permits, the council may provide financial assistance to enable the handyman service to charge subsidised rates to clients on low incomes to assist with minor works that will remove hazards in the home or minor adaptations to help a disabled person remain independent in their home

6. Empty Property Loans

There are a number of options available to owners of empty homes to access funding to assist them in bringing an empty property back into use. Thanet District Council is a partner in the successful No Use Empty campaign that was set up by Kent County Council in 2005. This scheme provides loans to owners of empty properties for renovation and/or conversion works. The owner is then required to rent the property either privately or through a partner housing association, or sell the property on the open market. For more information on this scheme please visit www.no-use-empty.org

Based on this existing scheme Thanet District Council has implemented a loan specifically for those people who have purchased an empty property and intend to live in it themselves. This loan is being funded by Thanet District Council but administered by Kent County Council through the No Use Empty process. This section of the policy covers the loan funded by Thanet District Council.

Loan process and conditions

An interest free loan may be offered, up to a maximum value of £20k, which is to be repaid over a term of between 5 to 10 years. The loan conditions stipulate that the applicant must reside in the property for the duration of the loan repayment period.

Anyone interested in applying for a loan may contact the council or KCC directly. An application pack will then be sent out and visits arranged to view the property and determine a scheme of works.

The property must be renovated to the Decent Homes Standard, and applicants must also be able to demonstrate that the loan amount will be adequate to bring the property back into use to this standard. If the cost of the work is likely to exceed the maximum loan then the applicant must be able to prove that sufficient personal funds are available to use in conjunction with the loan to complete the project.

The loan will be secured by way of a legal charge on the property for which the loan has been applied. Loan repayments commence 30 days after the loan monies are paid to the applicant and will be interest free, providing there is no default over the approved repayment period. The loan repayment period will be variable, between 5 and 10 years, and this is dependent on the amount borrowed. The applicant will also be required to live in the property for the duration of the loan payback period.

The loan is offered in such a way as to provide the applicant with full control of the expenditure of the loan. This is achieved by either granting a 100% of the loan as an upfront payment or 50% upfront payment and then two 25% tranches once the applicant can prove expenditure of the monies is compliant with the loan terms and conditions. Each of these options will depend on individual circumstances and the amount borrowed.

Should the applicant default on a payment, then interest at the Bank of England base rate +4% will accrue from the date of the default. Should the owner vacate the property or sublet, the owner will be in breach of the loan terms and therefore be in default, interest will then be charged from the date of the default and the full

outstanding loan amount will be repayable. This is enforced through the property charge.

Qualifying criteria for an empty property loan for owner-occupiers:

- The property must have been empty for more than 6 months
- Property must be in the intervention area of the wards of Cliftonville West or Margate Central.
- The property must be brought back into use as a residential dwelling.
- The applicant will be required to live in the property for the duration of the loan repayment period.
- Loans are secured by way of a charge on the property, either as a 1st charge or as a 2nd charge with the consent of the holder of the 1st charge.
- Loan applications must be accompanied by a quotation for the works which is to show the work is achievable for the sum borrowed.
- If the work value is greater than the loan amount then the applicant must show evidence that they have the personal funds to make up the deficit.
- The loan can either be made available as a 100% upfront payment, a 50% upfront payment and 2 tranches of 25% following evidence of successful expenditure. (Dependant on individual circumstances and amount borrowed).

Fees and Loan Amount

A maximum loan of £20,000 is available per property. There are no fees for the applicant in applying for the loan, although if significant alterations are required to the property then planning and building control fees may apply.

All fees associated with the organising of the loan agreement will be covered by the council. This includes the fees for registering the charge against the property with the land registry and KCC legal fees for administering the loan.

7. Conditions for Assistance for all the above types of grants and loans

All grant and repayable grant applications, except DFGs and Empty Property Loans, must be made through the Thanet Home Improvement Agency who are co-ordinating all grant activity under this policy in the Thanet area.

Eligible Applicants

People who are eligible to apply for grants and loans are freeholders and long leaseholders with at least 5 years of their lease still to run. A tenant can only apply for disability-related grants or other types where specifically stated above.

Except in the case of Empty Property assistance, the property must be the sole or main residence of the applicant or a member of their family.

Making an Application

Applications for assistance must be on the forms published by the Council.

Estimates and invoices cannot be accepted if they come from the applicant or a member of their family. In exceptional cases assistance may be payable towards DIY works, but this will be for the cost of materials only.

Eligible Works

Eligible works means the works that are identified by the Grants Officer or the Surveyor from the Home Improvement Agency with reference to the Council's policy.

Grant applications will not be approved where works have already started or where the job has already been promised to a particular builder. To qualify for a grant, the scheme of work must have been drawn up first, with the knowledge and agreement of the Grants Officer and with input from the Occupational Therapist (where appropriate) then sent out at the same time to at least three different contractors of similar size and VAT status to obtain competitive tenders.

Any costs which would be eligible for assistance under an insurance claim or third party claim, will not attract grant assistance. In exceptional cases assistance may be given on condition it is repaid out of the proceeds of any future claim.

Works outside the curtilage of the property are not normally eligible for assistance unless they relate to the provision of essential services such as water, gas or electricity or access for a disabled person.

Notification of Approval of Assistance

The Council, or an organisation acting on the Council's behalf, will notify an applicant in writing whether the application for assistance is approved or refused. The notification will be provided as soon as reasonably practicable after receipt of a completed application.

The approval will specify the amount of assistance, the amount that is not eligible, the applicant's contribution (if any) towards the eligible costs and the expiry date of the assistance. Assistance is not transferable to another person on the sale of the property.

If an application is refused, the reasons for refusal will be given.

Amount of Assistance

The council may specify the maximum amount of assistance it is prepared to offer for different types of grants or loans. These maximum amounts are inclusive of all costs including Value Added Tax and fees.

If the Council is satisfied that owing to circumstances beyond the control of the applicant, the work has increased in cost, it may increase the assistance subject to the maximum limits allowed. The Council will only increase the amount of assistance if its consent to any increase has been sought before the additional works are carried out, and the surveyor has had the opportunity to inspect.

In cases where eligible costs have reduced, the assistance will also be reduced accordingly and the applicant informed in writing as soon as possible.

Responsibility for Works and Supervision of builders

The contract for the building works will always be between the applicant and their chosen contractor but most applicants employ a surveyor to supervise the works for them. The Council's role is only to administer the grant/loan scheme and to provide finance. The council does not have any contract with the builder. Inspections may take place to make sure the works are carried out according to the specification of work and in accordance with good building practice. However, the Council and its officers are **not** liable for any poor workmanship and do not provide any guarantee. Any faults with the works will be a matter between the applicant and their contractor.

Where eligible works are not carried out to an acceptable standard, the Council may withhold monies. If appropriate, the council may pay outstanding monies direct to the applicant instead of the contractor so that they can employ a different builder to complete the works to an acceptable standard.

Conditions for Payment

Assistance will only be paid if:

- (a) The work is completed within the time stated in the approval or such further period the council may allow. This must be confirmed in writing. This period is normally 12 months from approval,
- (b) The work is carried out by one of the contractors whose estimate accompanied the application. The Council will normally base the amount of assistance on the lowest estimate submitted.
- (c) The works have been completed to a satisfactory standard and in accordance with the grant offer and estimates,
- (d) The Council is provided with an acceptable invoice or receipt for payment for the works or fees. The invoice must include full details of the builder/surveyor employed including VAT registration and bank details. The applicant or a member of his family cannot submit an invoice, it must come from a person or company not connected to the applicant in any way.

Interim payments will not normally be paid, except where there are very extensive works.

Payments can only be made for work actually completed and not for materials on site that have not yet been used or installed. Eligible works must have been carried out to the satisfaction of the council and an acceptable invoice supplied.

Normally grant payments are paid by bank transfer direct to the builder and/or surveyor. In very exceptional cases payment may be made to the applicant or another third party where the applicant has already paid such costs.

Grant and Loan Conditions

Grants and loans for owner-occupiers and leaseholders will normally be registered as a Local Land Charge. Grants and loans most commonly become repayable in the following circumstances:

- On disposal of the property following the death of the applicant or, in the case of joint applicants, on the death of both applicants;
- On disposal of the relevant dwelling where the applicant has vacated the property and no longer intends to live there.
- If the property is not occupied in accordance with the certificate of future occupation or loan agreement.

Grants and loans are normally routinely repaid from the proceeds of sale when the sale of the property is taking place. In exceptional circumstances the council may exercise discretion not to require repayment, or require a lesser amount. If the property is to be sold but the vendor feels he cannot afford to repay the grant he may make representations in writing to the Grants Officer in the first instance. In order to make a successful case for a waiver or a reduced repayment he would usually be expected to show that after purchasing the new property, he could not afford to repay the grant without having to resort to further borrowing.

If the grant or loan applicant ceases to be entitled to the grant or loan before works have been completed then no further grant or loan payments will be made and any interim payments already made must be repaid to the Council on demand.

In all such cases, the applicant will be informed of the appeal procedure against any decision.

Delegated Powers connected with grants or loans

The Head of Housing services, in consultation with the relevant Portfolio Holder, may exercise discretion to

approve discretionary grants and loans above the maximum limits in exceptional circumstances, or generally to reflect rising costs and

vary the qualifying criteria in individual cases where it appears to him that some informality, defect or error in this policy is preventing someone from qualifying for assistance in circumstances where their case otherwise satisfies the spirit of the policy.

Where there are no financial implications, to allow other organisations (such as the HIA or KCC) to act on behalf of TDC in promoting grant or loan schemes contained within this policy

determine whether or not to waive repayment of grants or loans in exceptional cases in accordance with statutory provisions, having taken into account any representations made by applicants

8. Definitions

Means Tested Benefit

At the time this policy was written the relevant means tested benefits were the following:

- Working Tax Credit (with an income less than £17,700);
- Child Tax Credit (with an income less than £16,190);
- Housing Benefit;
- Income Support;
- Income based Job Seekers Allowance;
- The guarantee credit component of Pension Credit;
- Income-based Employment and Support Allowance;
- Universal Credit.

Certified Date

This is the date when the work is signed-off by the surveyor or the grants officer as having been satisfactorily completed.

Disposal

A disposal includes the whole or part of the property.

9. In case of disagreement

You can ask for our decision to be reviewed in the following cases:

- In the event of disagreement with a decision,
- There has been some error or excessive delay in the processing of a loan or grant,
- Where repayment of the loan or grant would cause undue hardship.

In the first instance you should put your case in writing to:

The Grants Officer
Thanet District Council
P. O. Box 9
Margate
CT9 1XZ

who will normally respond within 21 working days giving our decision.

If you are still unhappy with our decision then you should contact the Head of Housing to make a formal complaint through the Council's complaints procedure..

These conditions are dated October 2018.

Appendix A

Housing Grants Construction & Regeneration Act 1996

Guidance on the works that could attract a mandatory Disabled Facilities Grant

Following consultation between Kent Local Authorities who administer Disabled Facility Grants, it has been agreed that the following works can attract **Mandatory DFG** funding.

The following categories of adaptation are detailed in the Housing Grants, Construction and Regeneration Act 1996 as being works which must be considered for grant assistance.

Where costs are likely to exceed £30,000 Local Authorities will need to take extra care to establish if the proposals are “reasonable and practicable.”

The mandatory grant limit is £30,000

Facilitating access

1. Facilitating access by the disabled occupant

to and from the dwelling

to a room used or usable as the principle family room

to a room used for or usable for sleeping

to a room in which there is a lavatory

to a room in which there is a bath or shower

to a room with a wash hand basin

Such works may include:

- Ramping and/or handrails to the main external door. This could instead be a rear door in the case of a rear access. Only one access point will be allowed for each dwelling. External stairlifts will be considered if reasonably practicable and they are not prone to vandalism. Handrails under £1,000 are to be the responsibility of Social Services unless they are in conjunction with a ramp.
- Widening the main entrance door and the doorways to the bedroom, bathroom and living room. Automatic door opening to main entrance doors will only be allowed for persons who are otherwise unable to open the door. Door entry systems will be considered where the person has severe mobility problems.
- Alterations to facilitate wheelchair access to the bedroom, bathroom and living room. Access to other rooms may be considered where the disabled person is a carer.
- Other adaptations that are necessary to facilitate access to any of the relevant rooms by the disabled person, for example, stairlifts or vertical lifts in some cases. Where a stairlift breaks down and it is 5-10 years old, a manufacturers report is needed before it can be replaced. If it is over 10 years, a report may not be required. It is considered good practice to include a 5-year extended warranty/service contract with all new lifts.

- Provision of hard standings (normally 3.6 x 4.8 max) and associated crossover for vehicle access where the disabled person is in a wheelchair or has difficulty walking to the house. This will only be given where existing on-street parking is considered unsatisfactory and a marked disabled parking bay is not possible or where it affords a more economic solution than providing additional paths/ramping from the roadside. It is usually cheaper to put a marked disabled parking bay outside the house compared to providing a hard standing. Provision of off-street parking is not, in itself, a mandatory item. Please note: Being a holder of a blue badge is not the eligibility criterion for this item.

Washing facilities

2. Facilitating the use of washing facilities by the disabled occupant

- Adaptation of the facilities in the bathroom and toilet, including the provision of flush floor showers, lever taps, specialist WCs, Clos-o-mat or Geberit etc. The adaptation or provision of more than one bathroom to a house e.g. additional ground floor wc, will only be considered if evidenced by functional need.
- An electric fan heater should be provided to the bathroom/shower room in addition to a radiator as long as it does not contravene IEE regulations for wet areas.

Kitchen Facilities

3. Facilitating the preparation and cooking of food

- Where someone other than the disabled person does and will continue to do the cooking and preparation of meals, normally it will not be necessary to carry out full adaptations. However, it may be possible to carry out minor adaptations to allow the disabled person to prepare light meals or hot drinks, typically this may include a low-level worktop with power points for a kettle/microwave.
- Full adaptations can be considered where the disabled person is the only or main user of the kitchen. The following adaptations can be considered:
 - a. Kitchen sink, including alteration to its height or position or the type of taps fitted to it. Powered, adjustable-height sinks will not generally be allowed, as the provision of a second sink is a more economic solution.
 - b. Cooker point and oven-housing unit ensuring its height and position is in a safe location and the provision of worktops on either side.
 - c. Work surfaces located beside the sink and on each side of the cooker having a total length of approximately 1.5m, all at a suitable height for the disabled person.
 - d. Food storage in an accessible position, usually space for a refrigerator with power supply.
 - e. Wheelchair access, if necessary, including wider doors, rearrangement of facilities etc.

- f. Alterations to the kitchen door, light switches and power points, but only if it is necessary.
- g. Extensions or enlargement to kitchens can only be agreed where they are absolutely necessary in order to provide turning space for a wheelchair and if suitable space cannot be achieved by rearrangement of the existing facilities.
- h. The provision of cupboard and storage units on an "essential" basis. (2x1m base units and baskets or equivalent).
- i. Mechanical ventilation where kitchen schemes require Building Regulation approval.

Other works that will be considered

- Alterations to the height and/or position of light switches and power points to make them accessible to the disabled person.
- Heating the rooms that are in everyday use by the disabled person where a medical need can be demonstrated.
- Possible upgrading/replacing of boilers where the property has been extended as part of the adaptation.
- Provision of laminated glass or specialist lighting or guards to fires and around radiators where disabled children with violent behavioural problems may harm themselves. Provision of enhanced fire alarm systems for those with hearing difficulties.
- Carrying out structural alterations where necessary to provide fixings for disabled equipment provided by Social Services e.g. fixing for tracking /overhead hoists.
- Where an adaptation is required to a listed building and additional works are required to comply with requirements.
- Where an adaptation cannot be carried out due to disrepair issues those repairs, within reason, may be carried out. Such works may include replacement of rotted flooring or strengthening of the floor as part of a flush floor shower installation, electrical repairs to enable works to be carried out safely, and dealing with low water pressure. Replacing defective drainage or a full rewire would not normally be eligible.
- Additional bathrooms or bedrooms may be allowed where they are specifically for the disabled person and it can be demonstrated that adaptation of other rooms or space or access to those rooms in the property is unsuitable. **Extensions will only be allowed following a detailed cost/benefit analysis of alternative options.**
- In cases of small terraced properties with narrow passageways or very difficult access, effective adaptation can only proceed where it can be reasonably and practicably carried out without having a detrimental impact on neighbouring properties.
- Requests are sometimes received to provide separate bedrooms where disabled children with behavioural difficulties share a room with other siblings and disturb their sleep. This will only be considered under mandatory grant where it can be demonstrated the child is prone to violent outbursts and there is risk of physical harm to the child or to the other siblings. Families will first be expected to re-arrange the

sleeping arrangements in their home to try to eliminate the need for extra bedrooms. If there is more than one reception room the family will be expected to use the extra room(s) for sleeping purposes.

Access to the Garden

- In deciding the extent of providing access to the rear garden, the following will be taken into account.
 - Grant assistance will not be given where there is already access to the garden but grant may be given to improve an existing access to make it safe for the disabled occupant to use. It does not include extending an existing access e.g. creating a side access so a person can also go around the side of a house. Generally, the most modest solution for providing access to both the house and the garden will be considered and this can mean that one access may be sufficient to access both the house and the garden. Where homes have communal gardens, e.g., blocks of flats served by a single access, grants will not normally be provided for an individual access to the garden unless it can be demonstrated that because of the disabled persons condition the travel distance to the garden would be excessive and unreasonable.
 - The grant will simply be for providing immediate access to the garden and does not include landscaping gardens to make them more suitable for the disabled person to access. However, to assist a disabled person to live independently, an allowance of 4 m² of pathway, (which may include a turning circle for a wheelchair user), will be considered to assist access to any specific areas enjoyed by the disabled person.
- See also the list of non-mandatory items in the next section relating to gardens etc.

General guidance on works considered non-mandatory

- Generally, more extensive adaptations to the kitchen than those described previously.
- The provision of cupboards, storage units, breakfast bars, generally above and beyond the standard that applies for mandatory grants.
- White goods such as cookers and hobs, refrigerators, dishwashers, washing machines and other equipment like waste disposal units.
- Replacement of rooms or parts of rooms which have been "lost" by carrying out adaptations (by way of explanation, where a ground floor living room or dining room is converted into a bedroom with en suite shower room for a disabled person, the construction of a "replacement" living room or dining room for use by the rest of the family could not be grant aided on a mandatory basis.)
- Fitments in rooms, for example built-in furniture like cupboards, wardrobes, storage units etc.
- Extensions to living rooms.

- Provision of secondary access from dwelling house, formation of patios, garden paths etc. walkways from garages and sheds. 2nd access – would need very exceptional circumstances to allow this.
- Storage areas and charging points for wheelchair/ scooters.
- Provision of treatment rooms
- Provision of pager systems linked to doorbells or telephones for the profoundly deaf.
- Floor coverings (except thermo-plastic tiles or similar permanent floor finish to bathroom area and sometimes kitchen and hallway where a wheelchair is to be used).
- Provision of disabled aids and equipment that can be fitted with little or no structural alterations. These are likely to be able to be removed fairly easily and re-used if the disabled person should decide to move in the future.
- Non-fixed aids, e.g. bath hoists can be funded by KCC as equipment but some authorities allow it as discretionary.
- Hard standings where required only as a Planning Condition
- Air conditioning.
- CCTV
- Creating a safe play area and/or fences other than in very exceptional cases
- Storage areas for example scooters, wheelchairs, children's equipment.
- Portable/non-fixed items.
- Drop kerbs, hard standings and ramps for non- wheelchair users/non-drivers.
- Minor adaptations up to the value of £1,000 which are obtainable from Social Services, Occupational Therapy Service
- Formation of Patios
- Walkways to and from garages or scooter storage areas
- Formation of bin store areas
- Provision of clothes drying facilities
- General provision of external lighting

Appendix B

Guidance and code of Practice for Agents/Advisors acting on behalf of clients wishing to access grants and loans

It is the role of agents/advisors to act on behalf of the client in designing adaptations or a scheme of work, obtaining consents and securing the services of suitable builders, leading eventually to the satisfactory completion of works. The works carried out are expected to satisfy the grant conditions and adaptation objectives of both the clients and the Occupational Therapist and meet the quality standards demanded by an ordinary reasonable person.

It is expected that the advisor/agent will work in a collaborative way with the Local Authority over the delivery of adaptations. They should acknowledge and understand the rationale and practicalities of managing expenditure and the need to demonstrate “fairness” to all applicants.

The Local authority is usually able to pay or contribute towards the fees charged by the applicant’s Agent for drawing plans, obtaining estimates, etc. Thanet District Council will only pay fees up to the level that would have been payable if the Home Improvement Agency had been appointed as the agent.

It is expected that all advisors/agents will broadly satisfy the criteria below. Inappropriate advisors/agents often necessitate considerable extra input from the Local Authority, which is of little benefit either to the client or to the Local Authority. The Local Authority will determine to whom fees will be paid and their decision will be final. Grant applicants are, of course, free to enlist the assistance of anyone they would like to help them on a non-fee-paying basis.

The agent should:

- Have experience of designing for the disabled
- Provide evidence of working collaboratively with a Local Authority or similar organisation
- Provide evidence of up-to-date DBS checks or a suitable reference from another Local Authority or similar organisation
- Provide evidence of appropriate insurances
- Provide evidence of an appropriate customer care charter
- Provide evidence of an equal opportunities policy
- Provide evidence of their vetting procedures for contractors
- Have evidence of current professional qualifications or registration where appropriate, and compliance with appropriate codes of conduct (e.g. RIBA, RICS, etc.)
- Provide details of complaints procedure and dispute resolution processes

- Meet financial viability criteria

Agents must always treat clients with respect and dignity, acknowledging the specific needs of the client group.

Contractors should be checked by the advisor/agent to ensure they have adequate public liability and employee liability insurance and have a health & safety policy and any other legislative policies. Details should be maintained of sub-contractors tax certificate or CIS registration, and any details on NICEIC, Gas Safe, FENSA etc. registrations. (and VAT registration number if applicable.)

The checking of all such certificates and policies should be carried out periodically, not exceeding annually and appropriate records of the checking process must be maintained and be produced to the Local Authority on demand.