



**Wear Valley District Council**  
*Regeneration Department*  
**Private Sector Grants Policy**

1<sup>st</sup> April 2005

The Regeneration Department is  
Committed to providing the  
best possible service to the  
customers of Wear Valley

This Private Sector Grants Policy will  
be at the heart of furthering our  
commitment

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Wear Valley District Council is committed to the removal of all barriers preventing access to our services arising from ethnicity, religion, geographic location, special needs, language differences, learning difficulties, sexual orientation, gender, age or disability.

We can produce this document in other formats such as Braille, in large print, on audio tape, on CD Rom, or in other languages. You can request a copy from the Marketing and Communications Manager at Wear Valley District Council on (01388) 761 958.

### ***The Team***

The Private Sector Housing Team is a leading team, not only in the Regeneration Department but also within the Council. The team provide a first class service to its customers and this Private Sector Grants Policy will be at the heart of furthering our commitment.

We have a Fresh approach to customer care and our team of dedicated officers grasp these Fresh ideas, that's why in the last year alone we have spent in the region of £700,000 in grant aid on our customers homes.

The private sector housing team currently consist of the following team members:

**2 Housing and Environment Officers** – these officers are responsible for not only carrying out full property surveys for grant applications, managing landlord and tenant complaints and following up all of the associated tenders and paperwork. They are also at hand either over the telephone or face to face to answer any questions or queries that are sure to crop up.

**2 Empty Properties Officers** – the empty properties officers are committed to turning empty properties back into homes. On a daily basis they seek to see which properties are standing empty and falling into a state of disrepair they then contact and assist the owners in getting the properties back into use.

**Administrative Assistant** – The Administrative Assistant is responsible for ensuring that all documentation is managed correctly and the highest standard of customer care is delivered, this ensures your grant application runs smoothly.

**Principal Housing Strategy Officer** – responsible for the smooth running of the section and to develop new policies, procedures, ideas and initiatives relating to all aspects of private sector housing. Also responsible for the management of the Renewal Areas throughout the District.

The Private Sector Housing Team also work in very close partnership with the Durham Dales Home Improvement Agency (HIA). The HIA have a very important role to play and are an integral part of delivering private sector grants. Both teams are committed to working in partnership for the benefit of all of our customers.

# Background to the Policy

Following the Regulatory Reform Order (RRO) 2002 all Councils throughout England and Wales have developed new policies to address the new freedoms and flexibility in administering the Private Sector Grants. The RRO allowed us to look at our customers needs and write policies that will assist our customers instead of being a barrier.

This policy aims to address all key areas surrounding the delivery of the grants service.

- Enable owner-occupiers, of dwellings that are unfit for human habitation, to make their homes fit.
- Enable owner-occupiers and private sector tenants to carry out improvements and repairs to their homes.
- Enable owner-occupiers and private tenants to make their homes energy efficient thereby reducing the incidence of fuel poverty and secure, as far as possible, against crime.
- Enable owners of empty properties to bring them back into residential use.
- Enable landlords of dwellings which are unfit for human habitation to make their properties fit.
- Enable people, particularly older persons and disabled persons, to remain in their own property.
- Enable people to move to alternative living accommodation where their existing home is unsuitable for improvement, repair or adaptation.
- Provide Home Safety and Crime Prevention measures to customers.

It is the view of the Council that it is primarily the responsibility of the homeowners to maintain their own properties, the council will encourage homeowners to use their available funds to make the required adaptations. However, the council is committed to assisting customers who are not able to make the adaptations or repairs via their existing resources.

# The Grants

The Council has made available a number of different grants, each grant is aimed to target a specific area. The grants that are available are:

1. **Disabled Facilities Grant** – These grants are specifically to help disabled people to be able to be more comfortable in their own home, this will be done by adapting their current layout/fixtures to a design that meets the customers needs. Referrals are made from the customers Occupational Therapist for these works.
2. **Minor Repair Grant** - This form of grant is used to carry out minor works to a property that usually cost less than £5,000.
3. **Major Repair Grant** - This grant if used to make significant improvements and/or repairs to a property to bring it up to a modern standard and/or fit for human habitation.
4. **Group Repair Schemes** - The Council may develop a scheme with customers to carry out a group of repairs in the same area.
5. **Relocation Grants** - In some circumstances a customer may be at threat of loosing their home through a property demolition scheme. A customer may also be located in a property that can not be renovated to meet their needs, in these instances it would be possible to be awarded a relocation grant.
6. **Landlords Discretionary Renovation Grant** - This grant is made available to properties that are located in a declared renewal area only and are made to bring landlords properties back into use.

All of the above grants have an acceptance criteria and some have a points based system, this policy will also explain how this process will work.

The Private Sector Housing Team believe in being open and honest in its approach, that is why we have made this policy available to all of our customers. If you would like a copy of this document then please feel free to contact us, we will be more than happy to send you a copy in a format that suits your needs.

This policy will be reviewed on an annual basis and based on staff, customer feedback and changes in Government policy we will incorporate any ideas and changes.

# Mandatory Disabled Facilities Grants

Under the provisions of Part I of the Housing Grant, Construction and Regeneration Act 1996 the Council must make available mandatory Disabled Facilities Grants. This part of the policy sets out the main criteria of the grant and adopts a number of new conditions.

## 1 Financial Information

- 1.1 A grant aid limit of £25,000 is maintained for mandatory works in respect of any application. It follows that the maximum grant payable is therefore £25,000 minus any statutory contribution from the applicant, resulting from carrying out a means test.

It is understood that in some cases the grant aid limit of £25,000 may not be sufficient to cover the costs of the adaptation work required. These cases will be looked at individually and the grant can be extended to cover the works required, Section 3.3 and budget constraints will be considered when reaching a decision.

## 2 Eligibility Criteria

- 2.1 That the relevant works are necessary and appropriate to meet the needs of the disabled occupant, and is supported by a referral from the Social Services Department, Durham County Council.
- 2.2 It must be reasonable and practicable to carry out the relevant works having regard to the age, value and condition of the dwelling or building. In reaching a decision on whether or not it is reasonable and practical to award a grant, the following criteria may apply:
- i) Any architectural and structural characteristics of the dwelling which may render certain types of adaptations inappropriate.
  - ii) The practicalities of carrying out adaptations to properties with narrow doorways, halls and passages or narrow and / or steep flights of steps or stairs. These may make wheelchair use in and around the dwelling difficult, making continued occupation of the dwelling open to question.
  - iii) Conservation and planning considerations and restraints.
  - iv) The impact on other occupants of proposed works, which will reduce or limit the existing facilities or amenities of the dwelling. In this respect, a material consideration will be whether the property (post adapted) will become overcrowded. Wherever possible, adaptations should be accommodated via internal conversion works, rather than by property extensions. Other occupants will be expected to utilise living rooms and/or dining rooms for sleeping purposes, if applicable.

- 2.3 To reduce grant entitlement in accordance with Section 30 of the Act and Regulations made thereafter (i.e. applicants are subject to a financial test of resources). Successive applications may also qualify for assistance, in respect of the same dwelling and/or the same disabled person, particularly where a medical prognosis differs over the course of time. In these circumstances, statutory applicants' contributions paid in respect of previous grants will be taken into account.
- 2.4 If previous contributions have already been made within the specified timescale, any new contributions will be offset from that amount

### **3. Eligible Works**

#### **3.1 Disabled Adaptation Work**

- i) facilitating access by the disabled occupant to and from the dwelling or the building in which the dwelling is situated.
- ii) Making the dwelling or building safe for the disabled occupant and other persons residing in the property.
- iii) Facilitating access by the disabled occupant to a room used or usable as the principal family room.
- iv) Facilitating access by the disabled occupant to, or providing for the disabled occupant, a room used or usable for sleeping.
- v) Facilitating access by the disabled occupant to, or providing for the disabled occupant, a room in which there is a lavatory or facilitating the use by the disabled occupant of such a facility.
- vi) Facilitating access by the disabled occupant to, or providing for the disabled occupant, a room in which there is a bath or shower (or both), or facilitating the use by the disabled occupant of such a facility.
- vii) Facilitating access by the disabled occupant to, or providing for the disabled occupant, a room in which there is a wash hand basin, or facilitating the use by the disabled occupant of such a facility.
- viii) Facilitating the preparation and cooking of food by the disabled occupant.
- ix) Improving any heating system in the dwelling to meet the needs of the disabled occupant or, if there is no existing heating system in the dwelling or any such system is unsuitable for use by the disabled occupant, providing a heating system suitable to meet the occupants needs.
- x) Facilitating the use of a disabled occupant of a source of power, light or heat by altering the position of one or more means of access to or control of that source or by providing additional means of control.

- xi) Facilitating access and movement by the disabled occupant around the dwelling in order to enable him to care for a person who is normally resident in the dwelling and is in need of such care.
- xii) Such other purposes as may be specified by order of the secretary of state.

In this part, dwelling includes park homes and houseboats where they are the only main residence of the applicant

- 3.2 In respect to the works mentioned above, the grant award (if any) shall take into account the medical prognosis of the disabled person, particularly where the prognosis implies degeneration in the short term. In these cases, extensive works may be impractical and alternative measures may be considered which aid the comfort and well being of the disabled person. Where this arises, the full co-operation of Social Services and the disabled person must be sought.

### **3.3 Discretionary Financial Assistance in Lieu of Carrying Out Works**

- 3.3.1 In cases where it is more cost effective for the disabled person to move to a more suitable property rather than have their current property adapted, discretionary assistance may be available. This assistance is limited to the following criteria being met

- i) The current property is not reasonably suitable for adaptation by virtue of section 2.2 above, or the cost of the works exceeds the maximum assistance for mandatory works, or the disabled person expresses a preference to move to a more suitable property.
- ii) The disabled person purchases an alternative property within the Wear Valley district boundary, which is either suitable for immediate occupation or is readily adaptable to meet his or her needs.
- iii) The maximum assistance is limited to £25,000 minus any statutory contribution payable under section 2.4 above, or to the cost of providing adaptations in the current property (whichever is the lesser). Assistance above £25,000 will be considered on an individual basis.
- iv) The overall package of assistance comprises: any premium in market value between the current property and the alternative property; reasonable legal fees associated with the sale of the current property and the purchase of an alternative property; reasonable estate agents fees for the sale of the current property; carrying out works to the alternative property, where these are necessary to meet the disabled persons needs; and reasonable fees for disturbance allowance, including the connection and reconnection of services.

### **3.4 Energy Efficiency, Home Safety and Crime Prevention Measures**

- 3.4.1 Applicants who are entitled to receive Disabled Facilities Grant are also eligible to receive a package of additional measures, where applicable, in relation to energy efficiency, home safety and crime prevention. Cross reference to section C.



4.0 Grant aid will not be paid for works already begun before approval (section 29 of the Act).

4.1 The following conditions to grant entitlement are imposed:-

- i) To enable the Council to retain ownership of certain specified types of equipment (e.g. stair-lifts, through floor lifts) when such equipment is no longer required.
- ii) The Council may require payment of grant direct to the contractor where the Council is satisfied that the works were completed to a satisfactory standard.
- iii) To require repayment of grant where works are contained in a relevant claim (Section 51 of the Act), that is:-
  - a) an insurance claim, or a legal claim against another person in respect of damages to the premises to which the grant relates,
  - b) a legal claim for damages in which the cost of the works to premises to which the grant relates is part of the claim.
- iv) To require the eligible works to be carried out within 12 months from the date of the application, or such longer period as may be agreed in writing by the Council.
- v) That the works are carried out in accordance with such specifications, as may be determined by the Council.

Any action resulting in the enforcement of condition 4.1(i) shall allow the applicant, or his beneficiary to be suitably reimbursed for any damage caused by the necessary removal of such equipment. This will be limited to any proportion of contribution made towards the installation of any equipment (based on the value of equipment on its removal). Any breach of 4.1(iii) above will allow the Councils Regeneration Committee to sanction a demand for repayment up to and including any amount of grant paid, including compound interest.

## **5.0 Notices**

Not applicable to mandatory Disabled Facilities Grants

## **6.0 Prioritisation of Applicants**

All Disabled Facilities Grants are based on a referral from the Social Services Department, Durham County Council.

Where there is considerable risk of death or serious injury to the disabled persons, having regard to the medical prognosis and the nature of the works related, the request for the adaptation is fast tracked.

## **7.0 Insurance and Legal Claims**

In some cases the cost of the works may be covered by a relevant insurance policy or claim against a third party. In the first instance the Council will complete the works at their earliest opportunity in line with the current procedure. However, if the grant applicant receives a payment in respect of the works completed then the applicant will be expected to repay the grant entitlement.

## MAJOR REPAIRS GRANTS TO OWNER OCCUPIERS AND QUALIFYING TENANTS

Major Repair Grants are discretionary and replace the Renovation Grant. They are specifically designed for vulnerable customers who require major repairs to their home.

### 1.0 Financial Information

To restrict grant payable to **£20,000** in any 5 year period to any one dwelling.

It is understood that in some cases the grant aid limit of £20,000 may not be sufficient to cover the costs of the adaptation work required. These cases will be looked at individually and the grant can be extended to cover the works required, Budget constraints will be considered when reaching a decision. However, if grant is paid above the £20,000 threshold the repayment term will be increased from 5 to 7 years (see section 4.2).

### 2.0 Eligibility Criteria

To restrict grant eligible works to the following purposes: -

2.1 Works required to render properties fit for human habitation, where the current or most recent use of the property is or was domestic and the most satisfactory course of action is renovation. If eligible to provide central heating, insulation and crime prevention measures as part of the overall repair works to the property

2.2 To restrict eligibility to an applicant who has lived and owned the dwelling as his/her only or main residence throughout a 3 year period leading up to the date of application.

To waiver the provisions above to applicants providing a Certificate of Owner Occupation in respect of properties situated in a declared Renewal Area and which have remained vacant for at least the 12 month period leading up to the date of application. This applies only where the property has been offered for sale on the open market at a realistic price during the whole 12 month period and has failed to find a buyer, and the applicant is not an owner/occupier of any other dwelling.

To waiver the provisions above to those owners providing a Certificate of Owner Occupation in respect of properties situated in a declared Renewal Area and who can demonstrate, via a lending institution, their entitlement to a mortgage as first time buyers.

2.3 To reduce grant entitlement in accordance with Section 30 of the Act and Regulations made thereunder. (i.e. applicants are subject to a financial test of resources).

2.4 Grant assistance will not be available for the conversion of barns, commercial premises or those buildings not banded for domestic council tax purposes, during any time within the previous 10 years leading up to the date of application for grant.

### 3.0 **Eligible Works**

#### 3.1 Renovation/Improvement Works

To comply with a notice under section 189 of the Housing Act (repair notice in respect of unfit premises) or otherwise to render the dwelling fit for human habitation.

To further consider those works necessary to bring the dwelling up to a "reasonable standard of repair", having regard to its age, character and locality. For the purposes of grant entitlement, "reasonable standard of repair" means those repairs likely to be necessary within 5 years from the date of the surveyor's report, which if not carried out could result in the dwelling deteriorating into a state of unfitness for human habitation.

Only in exceptional cases will consideration be given to works outside of the existing structure of the dwelling. Specifically, this means that only the following works will be taken into account:

- (i) Badly cracked yard and path surfaces – grant aid will consider a 1m wide strip only from the front/rear external door to the curtilage of the dwelling, or to any permanent outbuildings. Minor cracks or imperfections that do not present significant tripping hazards, or driveways and paths serving garden areas are not eligible for assistance.
- (ii) Boundary walls, gates and fences – grant aid will consider works only where they are deemed to be in a dangerous condition.
- (iii) External steps – grant aid will consider works only where the steps are deemed to be in a dangerous condition. Steps leading only to gardens or landscaped areas within the curtilage of the dwelling are not eligible for assistance.
- (iv) Underground drainage – grant aid will only be considered if not covered by the applicants building insurance.
- (v) Outbuildings – grant aid will be considered only for original outbuildings such as external WCs, where the buildings are deemed to be in a dangerous condition. The costs allowed for grant purposes will be the lesser of those minimum works to remove any danger, or to demolish the outbuildings. No grant will be payable for porches, conservatories or non-permanent structures such as sheds, coal-bunkers etc.

#### 3.2 **Energy Efficiency, Home Safety and Crime Prevention Measures**

Applicants who are entitled to receive Major Repairs Grant are also eligible to receive a package of additional measures, where applicable,

in relation to energy efficiency, home safety and crime prevention. Cross reference to Section C.

#### **4.0 Conditions**

4.1 Grant aid will not be paid for works already begun before approval (Section 29 of the Act).

4.2 The following conditions to grant entitlement are imposed: -

- i) That the Council may require payment of grant direct to the Contractor, where satisfied that the works were completed to a satisfactory standard.
- ii) To require repayment of grant where works are contained in a relevant claim (Section 51 of the Act), this is: -
  - (a) An insurance claim or a legal claim against another person in respect of damages to the premises to which the grant relates, or
  - (b) A legal claim for damages in which the cost of the works to premises to which the grant relates is part of the claim.
- iii) To require the eligible works to be carried out within 12 months from the date of the application, or such longer period as may be agreed in writing by the Council.
- iv) The Council may determine that the works are carried out in accordance with specific specifications.
- v) That the grant conditions remain in force throughout the period of 5 years\*, not only on the person who provides the Certificate of Owner Occupation, but also on any subsequent owner of the dwelling.
- vi) That the amount of grant is repaid in full, including compound interest, if the owner makes a relevant disposal within the 5 year period. \*
- vii) That the owner notifies the Council of any intention to make a relevant disposal within the 5-year period. \*
- viii) To provide adequate building insurance for the property throughout the 5- year period. A copy of the building insurance certificate is to be provided to the Council on an annual basis.
- ix) That the payment of grant is conditional upon the Council being provided with an acceptable demand, receipt or invoice for payment for the works and any preliminary or ancillary services or charges.
- x) If grant has been paid above the £20,000 threshold the above criteria will be increased to 7 years.

(\* Reference to the 5 year period means the 5 year period starting with the certified date. A 7 year period will apply in replacement of the 5 year period for any grant that is paid over and above the £20,000 threshold).

**A relevant disposal means:**

- i) a conveyance of the freehold or an assignment of the lease, or
- ii) the grant of a lease (other than a mortgage term) for a term of more than 21 years otherwise than at rack rent. It shall be assumed that any option to renew or extend a lease or sub-lease, whether or not forming part of a series of options, is exercised, and that any option to terminate a lease or sub-lease is not exercised.

Any breach of the above will allow the Council's Director of Regeneration to sanction a demand for repayment up to and including any amount of grant paid, including compound interest.

**In determining whether to demand repayment of grant, the Director of Regeneration shall have due regard to the following circumstances that may be relevant in any particular case: -**

- (i) Financial hardship – a disposal made following such a change in the financial circumstances of the relevant person that he would suffer financial hardship if all or part of the amount of grant was repaid.
- (ii) Employment – a disposal made to enable a relevant person to seek, or take up, employment or to change the place of his employment.
- (iii) Health and well being – a disposal made for reasons connected with the physical or mental health, or well being, of a relevant person.
- (iv) Provision of care – a disposal made to enable a relevant person to live with, or near, any person who is disabled or infirm, and in need of care which the relevant person is intending to provide.
- (v) Disposal proceeds – a disposal of premises to which an application for grant relates where the disposal proceeds (after deduction of any relevant amount) are less than the amount of grant which a relevant person (apart from this consent) would be liable to repay. In this paragraph 'relevant amount' means:
  - (a) The amount of any expenses incurred by the relevant person in connection with the disposal;
  - (b) The amount of any advance secured by a charge on the premises, taken out prior to the grant award, which has been repaid by the relevant person.
- (vi) Value of premises – a disposal where the value of the premises at the date of the disposal, after deducting the amount of grant that has been paid, is less than the value of the premises at the date of the application for grant.
- (vii) Disposal to local authority or RSL – a disposal made to the Council or a registered social landlord.
- (viii) Inheritance – a disposal by a relevant person of premises to which an application for grant relates where those premises were vested in that person as a person taking under a will or on an intestacy.

## 5.0 **Notices**

The following statutory notices may be relevant when reviewing an application for grant aid, and the Council will have due regard to the content of such notices when considering applications for grant aid.

### 5.1 Housing Act 1985 (as amended)

S.189 repair notice in respect of unfit premises.

S.190 repair notice in respect of premises not unfit but in need of substantial repair.

S.264 closing order in respect of unfit premises

S.265 demolition order in respect of unfit premises.

### 5.2 Housing Grants, Construction and Regeneration Act 1996

S.81 deferred action notice.

S.82 renewal of deferred action notice.

## 6.0 **Prioritisation of Applicants**

A prioritisation form is completed to enable an initial screening of applicants to be carried out.

Work must not be undertaken by the applicant until the Council has approved the grant, if any works are started prior to the authorisation by Wear Valley District Council the grant application will be cancelled.

# MINOR REPAIRS GRANTS ASSISTANCE

Minor Repairs Grants are discretionary and replace the Home Repair Assistance (HRA) Grant. They are specifically designed to assist customers who require small scale repairs, often urgent, to their home.

## 1.0 Financial Information

The maximum amount of assistance is set at **£5,000 per application or £10,000 in any three-year period for the same dwelling.**

It is understood that in some extreme cases the grant aid limit of £5,000 may not be sufficient to cover the costs of the adaptation work required. These cases will be looked at individually and the grant can be extended to cover the works required. Budget constraints will be considered when reaching a decision.

## 2.0 Eligibility Criteria

2.1 The following client groups form the general qualifying criteria: -

- i) That the applicant is aged 18 or over on the date of application,
- ii) That he/she lives in the dwelling as his/her only or main residence for at least a 1 year period leading up to the date of application for grant,
- iii) That he/she has an owner's interest in the dwelling, alone or jointly with others,
- iv) That he/she has the duty or power to carry out the works in question, and
- v) That he/his or his/her partner is in receipt of Income Support, Income-Based Job Seekers Allowance, Housing Benefit, Council Tax Benefit, Guaranteed Pension Credit or Disability Working Allowance.
- vi) For elderly (over 60 years) or registered disabled applicants not in receipt of any of the qualifying benefits in (v) above, grant entitlement will be reduced in accordance with Section 30 of the Act and the Regulations made thereunder (i.e. applicants will be subjected to a means test).

2.2 In addition, the applicant must satisfy one or more of the following criteria:-

- i) He/she is entitled to receive discretionary Major Repairs Grant to render the property fit for habitation and whose circumstances are better dealt with by Minor Repairs Grant; or
- ii) He/she is in the process of having mandatory Disabled Facilities Grant works carried out, or is entitled to receive mandatory Disabled Facilities Grant, and whose circumstances are better

- dealt with by Minor Repairs Grant rather than mandatory Disabled Facilities Grant; or
- iii) He/she is elderly, disabled or infirm and who requires assistance to carry out repairs or adaptations to the structure of the dwelling.
  - iv) In relation only to applicants who reside in house boats or mobile homes, that the prior qualification period of 3 years has been met ending on the date of application.

### 3.0 **Eligible Works**

The following measures will be considered via Minor Repairs Grant.

#### 3.1 **Energy Efficiency Improvements**

The following measures will be considered so as to achieve the greatest improvement in the SAP rating in the most cost-effective manner. (SAP is a measure of the relative energy efficiency performance of dwellings on a scale of 0 to 100, using the Government's Standard Assessment Procedure).

##### 3.1.1 **To Provide Adequate Thermal Insulation**

- a) Wall insulation to all suitable external walls.
- b) Insulating the primary pipework of all boiler systems.
- c) Upgrading the insulating jacket on all hot water tanks.
- d) Draught proofing all windows and external doors.
- e) Upgrading of loft insulation.
- f) Upgrading of single glazed windows to double glazed sealed UPVC units, whenever the existing windows are not capable of being repaired at reasonable cost.
- g) Upgrading of floors to incorporate insulating material whenever practicable, for example when defective floors are being replaced.
- h) Upgrading of flat roof insulation, when renewing worn out decking.
- i) Mechanical extract ventilation, incorporating a heat recovery device, where linked to an inherent dampness problem.
- j) Installing of an energy efficient condensing combination boiler wherever possible or an efficient electrical system for those without access to gas.

##### 3.1.2 **To Provide Adequate Facilities for Central Heating and Hot Water**

If an applicant has Solid Fuel Central Heating or Warm Air Heating then a grant will pay for upgrading the system to a modern energy efficient Condensing Combination Boiler or Electric Heating System.

If an applicant objects to this upgrade then a declaration will be signed that the customer has expressed they do not want to go ahead with this energy efficiency option and no repair work to their current system will be carried out in the future.



Applicants may qualify for grant assistance from Central Government. Where this is the case, take up of external funding will be maximised through a referral system.

### 3.2 Home Safety Measures

Grant aid would be considered for a range of cost effective safety measures that are aimed to assist applicants in their homes, examples of which are given below: -

- Interconnected smoke alarms on each storey wired to the mains supply, either via the light circuits or via a separate spur
- Relocation of loft hatches away from the head of the staircase
- Increase headroom to staircases if currently less than 1.8m
- Remove changes in floor levels, if practicable
- Provide handrails to winder steps
- Renew guardrails to landing if guardrail height is less than 0.9m and/or the spindles are spaced greater than 0.1m apart
- Relocation of badly placed electric distribution boards
- Raising windowsills where falls through the window are foreseeable.

### 3.3 Crime Prevention Measures

Grant aid would be considered for the following crime prevention measures if necessary, to increase the security of an applicants home:

- Good quality exterior grade final exit doors and frames
- At least one 5 lever mortised deadlock to BS3621: 1980 fitted to all final exit doors and frames
- Secondary locks to all garage or outbuilding doors, where entry to the main dwelling can be gained via these
- Suitable top and bottom patio door locks
- Suitable (key or Allen key operated) locks to all openable ground floor and readily accessible first floor windows, including French windows.

If any of the above items are lacking, in addition to rectifying these items, the following additional measures are deemed appropriate: -

- 2 mortised door security bolts, installed in such a manner so as to be effective, easily operated by the occupant and invisible from the outside
- 1 door viewer, if appropriate
- 1 door security catch, if appropriate
- 1 mortised hinge bolt to each final exit door
- 1 anti-lift device fitted to patio doors
- Where the fitting of bolts, viewers and catches is not practicable (e.g. some types of UPVC doors), the installation of 1 key operated battery powered electronic door alarm
- Security lighting linked to PIR detectors, if appropriate.

### 3.4 Disabled Adaptation Measures

In most cases it will be more appropriate to consider these works either for mandatory disabled facilities grant or grant via Social Services obligations under the Chronically Sick and Disabled Persons Act 1970. There are certain circumstances where it may be expedient to consider Minor Repairs Grant as a suitable alternative. This could arise, for example: -

- (i) where an applicant's prognosis implies that degeneration in the short term will occur, and the more complex procedures for mandatory Disabled Facilities Grant would cause undue delay, or
- (ii) where the nature of the works is so minor, that the local authority would benefit from the administrative savings arising from dealing with a simplified application procedure, or
- (iii) where budget constraints with regard to the Specified Capital Grant (SCG) allocation are likely to cause delays in being able to process a mandatory Disabled Facilities Grant application.

### 3.5 **Repairs and/or Improvement Works**

The following measures will be considered, unless otherwise contained in any other private sector grant approval (or private sector grant application pending a determination of the application): -

- (i) Fast Tracked Emergency Repairs are for repairs to the property that cause a health and safety risk to a vulnerable person.
- (i) Urgent repairs or improvements to the structure of the dwelling which, if not carried out, could significantly affect the health or safety of the occupant(s) of the dwelling; and
- (ii) Routine repairs or improvements to the structure of the dwelling which, if not carried out within 12 months, could significantly affect the health and safety of the occupant(s) of the dwelling.

3.6 In the cases where a customer or third party highlights a major health and safety defect with the property the repairs will be fast tracked and automatically add to the top of the list and will be considered next in turn.

### 4.0 **Conditions**

4.1 Grant aid will not be paid for works already begun before approval (Section 29 of the Act).

4.2 The following conditions to grant entitlement are imposed: -

- i) That the eligible works are carried out within 12 months from the date of the application for grant, or such longer period as may be agreed in writing by the Council.
- ii) That the works are carried out in accordance with such specification as may be determined by the Council.

- iii) That the payment of the grant is conditional upon the Council being provided with an acceptable demand, receipt or invoice for payment of the works and any preliminary or ancillary services or charges.
- iv) That the Council may require payment of grant direct to the Contractor where the Council is satisfied that the works were completed to an acceptable standard.

N.B. in the case of certain disabled adaptations funded via Minor Repairs Grant, grant conditions cannot be attached requiring the return of that specialist equipment when such equipment is no longer required.

## 5.0 **Fast Track Repairs**

Fast Track Emergency repairs will be completed when a customer reports a fault that could cause a Health or Safety hazard.

- 5.1 Fast track repairs are only available to our most vulnerable applicants, these are limited to:
- Applicants over 60 years old
  - Applicants that are in receipt of a recognised disability related benefit
  - Applicants who are or have children under the age of 16 in the property.

- 5.2 The work that can be done on a fast track repair will be highlighted by the surveyor but are limited to:
- Defective Central Heating Systems
  - A structure that is not sound and is at risk of causing an injury to the customer or the public
  - Dangerous electrical wiring or no electricity supply

If an applicant does not fall into any of the above categories, they will be given advice and support where necessary to assist in resolving the defect.

- 5.3 When an applicant reports a repair that is to be fast tracked the surveyor is required to call to the property within one working day to make an assessment of the works that is required. Works will then be issued to the contractor as a matter of urgency.

## 5.4 **Central Heating**

If in the event of a defective Warm Air or Solid Fuel central heating system failing the grant would only be granted for a replacement energy efficient condensing combination boiler or if this was not viable a replacement combination boiler would be installed. If the applicant, against the advice of the surveyor, would only have the system repaired and the cost of the repair was less than 50% of the cost of a replacement then the grant would pay for the repair, however, no

subsequent grant would be paid within the following five years for works to that applicants heating system. If the repair was in excess of 50% of the cost of a replacement combination system then only a new condensing combination boiler and associated system would be installed in lieu of any repair. The applicant would be responsible for the cost of the installation of gas pipe work outside the property boundary.

5.5 In the event of a property with a failed Warm Air or Solid Fuel Central Heating System being highlighted in an area which does not have piped gas, then an Energy Efficient electric heating system would be installed in lieu of the combination system. The terms in section 5.4 above still apply.

#### 5.6 **Dangerous Structures**

In the event of a dangerous structure being highlighted the surveyor will assist in isolating the area, if the applicant is entitled to grant then the work will be issued to the contractor and works will be carried out as soon as the contractor is able to get on site.

#### 5.7 **Dangerous Electrical Faults**

In the event of a dangerous electrical fault or the applicant being without electricity the surveyor will call to the property to ascertain the problem. In addition a detailed electrical report will be obtained from an approved electrical contractor highlighting the works required to repair the fault. The works will only be issued to an electrical contractor that conforms to part P of the 2005 Building Regulations.

5.8 It is understood that other emergency repairs may occur, if the surveyor has any doubt that the repair may cause any risk to health and safety they must treat it as an emergency fast track repair. Once the property has been visited and assessed if it does not fall into the fast track criteria then the customer will be advised of the Major and Minor repair grants that are on offer and given relevant advice.

#### 6.0 **Notices**

Not applicable to Minor Repairs Grant

#### 7.0 **Prioritisation of Applicants**

A prioritisation form will be completed to enable an initial screening of applicants to be carried out and to devise a mechanism for dealing with the most vulnerable cases first.

Work must not be undertaken by the applicant until the Council has approved the grant, if any works are started prior to the authorisation by Wear Valley District Council the grant application will be cancelled.

## Section D

### **LANDLORDS DISCRETIONARY RENOVATION GRANTS (TO PROPERTIES OCCUPIED BY A SINGLE HOUSEHOLD)**

#### **1 Financial Information**

To restrict grant payable to £10,000 in any 5 year period to any one dwelling.

#### **2.0 Eligibility Criteria**

##### **2.1 To restrict grant eligible works as follows:-**

- a) To be eligible for works, the property must be located in a declared renewal area.
- b) those required by virtue of Section 12(1), parts (a), (b), (g), (h) or (l) of the 1996 Act, where the current or most recent use of the property is or was domestic and the most satisfactory course of action is renovation; and
- c) in conjunction with works identified in (a) to award discretionary renovation grants for a package of energy efficiency, home safety and crime measures where appropriate.

##### **2.2 To calculate the landlords contribution in the following manner:-**

- i) To consult with the Rent Officer Service to establish the extent to which the landlord is able to charge a higher rent for the premises because of the works. It is proposed to disregard the Rent Officer's Informal Advice and have regard only to his statutory Advice in the following manner:
  - a) Where the Statutory Advice states that the Notional Increase in Rental Income is nil after carrying out the works, refuse the grant application on the grounds that the rental income should be sufficient to fund the works without grant assistance.
  - b) Where the Statutory Advice states that the Notional Increase in Rental Income is greater than nil, to use this figure to calculate the amount of contribution payable by the applicant, by using the increase in rental income to generate a 10 year business loan, using current bank base rates.
- ii) Where 2.2 (i)(b) applies, to further consider the following circumstances to reduce grant entitlement:-
  - i) the age of the property
  - ii) the nature of the works
  - iii) whether the landlord is prepared to enter into an agreement to provide nomination rights.
  - iv) the length of time that the property has been continuously vacant immediately prior to the date of application for grant
  - v) the landlord's record and whether enforcement action has had to be taken in this instance and in the past.

The proposed formula for calculating the landlords' contribution is attached at Section E.

### 3.1 Eligible Works

- i) to comply with a notice under Section 189 of the Housing Act 1985 (repair notice in respect of unfit premises) or otherwise to render the dwelling fit for human habitation.
- ii) to comply with a notice under Section 190 of that Act (repair notice in respect of premises not unfit but in need of substantial repair) or otherwise to put the dwelling in reasonable repair (Cross reference to Section B);
- iii) to ensure that the dwelling complies with such requirements with respect to construction or physical condition as may be specified by the Secretary of State;
- iv) to ensure that there is compliance with such requirements with respect to the provision or condition of services and amenities to or within the dwelling as are so specified;
- v) any other purpose for the time being specified by order of the Secretary of State

3.2 In addition, the following measures will be considered:-

#### **Energy Efficiency Improvements**

The following measures will be considered so as to achieve the greatest improvement in the SAP rating in the most cost-effective manner. (SAP is a measure of the energy efficiency performance of dwellings on a scale of 0 to 100, using the Government's Standard Assessment Procedure).

#### 3.2.1 To Provide Adequate Thermal Insulation

- a) \* Wall insulation to all suitable external walls.
- b) \* Insulating the primary pipework of all boiler systems.
- c) \* Upgrading the insulating jacket on all hot water tanks.
- d) \* Draught proofing all windows and external doors.
- e) \* Upgrading of loft insulation.
- f) Upgrading of single glazed windows to double glazed sealed UPVC units, whenever practicable, for example when defective floors are being replaced.
- g) Upgrading of floors to incorporate insulation material whenever practicable, for example when defective floors are being replaced.
- h) Upgrading of flat roof insulation, when renewing worn out decking.
- i) Mechanical extract ventilation, incorporating a heat recovery device, where linked to an inherent dampness problem.

#### 3.2.2 To provide Adequate Facilities for Space Heating and Hot Water

- a) Provide thermostats on all hot water tanks to control the temperature of the primary circuit.
- b) \* Fitting thermostatic radiator valves (TRV's) to all boiler systems with radiators.
- c) \* Upgrading of existing space and water heating appliances whenever:-
  - i) they are principally responsible for the lack of affordable warmth due to their inherent inadequacies, or
  - j) the principal means of space heating and for water and heating is defective and not capable of being repaired at a reasonable cost.

In these circumstances the following would be appropriate:-

- replacement of inefficient space heating appliances with ones which are more appropriate e.g. wall mounted gas fires, low tariff electric heaters etc.
- replacement systems for water heating and/or defective space heating with ones which are more appropriate e.g. Combination or Condensing boilers with or without radiators as appropriate.
- \* Applicants may qualify for these measures to be considered for grant assistance from Central Government. Where this is the case, take up of external funding will be maximised through a referral system.

### 3.3 Home Safety Measures

Grant aid would be considered for a range of cost effective measures, examples of which are given below:-

- i) Interconnected smoke alarms on each storey wired to the mains supply, either via the light circuits or via a separate spur.
- ii) Relocation of loft hatches away from head of the staircase.
- iii) Increase headroom to staircase if currently less than 1.8m.
- iv) Remove changes in floor levels, if practicable.
- v) Provide handrails to winder steps.
- vi) Renew guardrails to landing if guardrail height is less than 0.9m and/or the spindles are spaced greater than 0.1m apart.
- vii) Relocation of badly placed electric distribution boards.

### 3.4 Crime Prevention Measures

Grant aid would be considered for the following measures if necessary:-

- i) Good quality exterior grade final exit door frames
- ii) At least one 5 lever morticed deadlock to BS3621: 1980 fitted to all final exit doors and frames.
- iii) Secondary locks to all garage or outbuilding doors, where entry to the main dwelling can be gained via these.
- iv) Suitable top and bottom patio door locks.
- v) Suitable (key or Allen key operated) locks to all openable ground floor and readily accessible first floor windows, including French windows.



If any of the above items are lacking, in addition to rectifying these items, the following additional measures are deemed appropriate:-

- i) 2 morticed door security bolts, installed in such a manner as to be effective, easily operated by the occupant and invisible from the outside.
- ii) 1 door viewer, if appropriate.
- iii) 1 door security catch, if appropriate.
- iv) 1 morticed hinge bolt to each final exit door.
- v) 1 anti-lift device fitted to patio doors.
- vi) Where the fitting of bolts, viewers and catches is not practicable (e.g. some types of UPVC doors), the installation of 1 key operated battery powered electronic door alarm.
- vii) Security lighting linked to PIR detectors, if appropriate.

#### 4.0 **Conditions**

##### 4.1 **Grant aid will not be paid for works already begun before approval of Section 29 of the Act.**

4.2 The following conditions to grant entitlement are imposed:-

- i) That the property **MUST** be situated within a declared renewal area, as identified by the Council and its partners.
- ii) That the dwelling be let or available for letting as a residence, and not for a holiday, on a tenancy which is not a long tenancy, by the owner to a person who is connected with him.
- iii) That the owner shall provide within 21 days a statement showing how the property is occupied.
- iv) That the eligible works are completed within 12 months from the date of approval of the application, or such longer period, as may be agreed in writing by the Council.
- v) That the grant conditions remain in force throughout the period of 5 years\*, not only on the person who provides the certificate of Intended Letting but also on any subsequent owner of the dwelling.
- vi) That the amount of grant is repaid in full if the owner makes a relevant disposal within the 5 year period\*, including compound interest.
- vii) That the owner notifies the Council of any intention to make a relevant disposal within the 5 year period.\*
- viii) To maintain the property in a condition fit for habitation throughout the 5 year period.\*
- ix) To provide adequate building insurance for the property throughout the 5 year period.\*
- x) To allow the Council to impose nomination rights on the property

- xi) To require a repayment of grant if works are contained in a relevant claim (Section 51 of the Act), this is:-
  - a) An insurance claim, or a legal claim against another person, in respect of damages to the premises to which the grant relates.
  - b) A legal claim for damages in which the cost of the works to premises to which the grant relates is part of the claim.
- xii) That the Council may require payment of grant direct to the contractor where the Council is satisfied that the works were completed to a satisfactory standard.
- xiii) That the works are carried out in accordance with such specifications, as may be determined by the Council.
- xiv) That the payment of the grant is conditional upon the Council being provided with an acceptable demand, receipt or invoice for payment for the works and any preliminary or ancillary services or charges.

(\*Reference to the 5 year period means the 5 year period starting with the certified date).

Any breach of 4.2 (I), (ii), (iii), (vi), (vii), (viii), (ix) or (x) above will allow the Councils Regeneration Committee to sanction a demand for repayment up to and including any amount of grant paid, including compound interest.

In determining whether to demand repayment of grant, the Regeneration Committee shall have due regard to the following circumstances that may be relevant in any particular case:-

- i) Financial hardship – a disposal made following such a change in the financial circumstances of the relevant person that he would suffer financial hardship if all or part of the amount of grant was repaid.
- ii) Employment – a disposal made to enable a relevant person to seek, or take up, employment or to change the place of his employment.
- iii) Health and well being – a disposal made for reasons connected with the physical or mental health, or well being, of a relevant person.
- iv) Provision of care – a disposal made to enable the relevant person to live with, or near, any person who is disabled or infirm and in need of care which the relevant person is intending to provide, or who is intending to provide care of which the relevant person is in need by reason of his disability or infirmity.
- v) Suitability for number of occupants – a disposal made to enable accommodation to be provided which is more suitable for the number of people occupying the premises to which the application for grant relates.
- vi) Disposal proceeds – a disposal of premises to which an application for grant relates where the disposal proceeds (after deduction of any relevant amount) are less than the amount of grant which a relevant

person (apart from this consent) would be liable to repay. In this paragraph 'relevant amount' means:

- vii) The amount of any expenses incurred by the relevant person in connection with the disposal .
- viii) The amount of any advance secured by a charge on the premises which has been repaid by the relevant person.
- ix) Value of premises – a disposal of premises to which an application for grant relates, where the value of the premises at the date of the disposal, after deducting the amount of grant that has been paid, is less than the value of the premises at the date of the application for grant.
- x) Disposal to local authority or RSL – a disposal made to the Council or a registered social landlord.
- xi) Inheritance – a disposal by a relevant person of premises to which an application for grant relates where those premises were vested in that person as a person taking under a will or on an intestacy.
- xii) A disposal where the relevant person, after making reasonable efforts to do so, has not been able to let, or grant licenses to occupy, the dwelling or one or more of the flats or the house or part of the house (as the case may be).

## 5.0 Notices

The following statutory notices may be relevant when reviewing an application for grant aid, and the Council will have due regard to the content of such notices when considering applications for grant aid.

Housing Act 1985 (as amended):-

- S.189 repair notice in respect of an unfit premise
- S.190 repair notice in respect of premises not unfit but in need of substantial repair.
- S.264 closing order in respect of unfit premises
- S.265 demolition order in respect of unfit premises.

Housing Grants, Construction and Regeneration Act 1996:-

- S.81 deferred action notice
- S.84 renewal of deferred action notice.

## 6.0 Prioritisation for Applicants

All landlord enquiries for Major Repair Grant will be given details of the Council's Private Sector Grants Policies and advised on how to submit a valid application for grant. Valid applications received will be dealt with in chronological order within the statutory deadlines.

Section E

WEAR VALLEY DISTRICT COUNCIL

LANDLORDS TEST OF RESOURCES AND CALCULATION OF GRANT

Grant Reference: \_\_\_\_\_

Property Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Tenant: \_\_\_\_\_

\_\_\_\_\_

Landlord: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(A)	Estimated cost of eligible works	= £	
(B)	Total of grant eligible expenses	= £	
(C)	Approved expenses (a) + (b)	= £	
(D)	Amount of rent payable	= £	
(E)	Expected post improvement rent	= £	
(F)	Comparable rent pre-improvement	= £	
(G)	Expected post improvement rent	= £	
(H)	Difference between (e) and (d) or (g) and (f)	= £	
(I)	Interest rate applicable	= £	%
(J)	Capital sum possible by loan over 10 years serviced by (h)	= £	
	NB. If (e) – (d) = 0 or (g) – (f) = 0, no grant is payable		
(K)	Maximum grant award * (c) – (j)	+ £	

# CALCULATION OF % RATE OF GRANT

**(I) Age of Property**

Pre 1919	20 points	
1919 to 1945	5 Points	
Post 1945	0	=

**(II) Nature of the Works**

S.352 Means of escape in case of fire	50 points	
S.352 Amenities	10 points	
S.189 Unfitness due to properties Unimproved and requiring kitchen and/or bathroom facilities for the first time.	20 points	=
S189 Unfitnes due to poor management, Lack of maintenance or failure to provide Adequate security to protect the fabric of the dwelling.	0 points	

Maximum Points = 50. If the works involve more than one Of the above catagories, the higher points rate will apply to all grant eligible works.

**(III) Agreement for nomination rights**

Yes	10 Points	
No	0 Points	=

**(IV) Length of time property has been continuously vacant prior to date of application for grant:**

More than 12 months	10 Points	
Less than 12 months	0 Points	=

**(V) Record of landlord by reference to any action taken By the Council within the previous 2 years:-**

Landlords first grant application	10 points	
Work carried out <time periods	10 Points	

Has other enforcement action been taken (other than by agreement under any relevant legislation relating to the control of rented accommodation e.g. Building Act, Env. Protection Act etc.

Yes	minus 20 Points	
No	0 Points	

TOTAL POINTS =

## SUMMARY OF GRANT

(1) Maximum Grant Award (K) =£

(2) Total Points (maximum 100)

=

Grant Award = (1) x  $\frac{(2)}{100}$

= £

## **GROUP REPAIR SCHEMES**

- 1 Financial Information
  - 1.1 To restrict eligible works to a maximum of £12,000 inclusive of ancillary costs, in respect of any individual premises.
  - 1.2 To restrict individual scheme costs to an average of £10,000 or less, inclusive of ancillary costs, for assisted participants.
  - 1.3 To restrict the total ancillary costs in respect of any individual scheme to a maximum of 15% of the total scheme costs.
  - 1.4 To restrict the costs attributable to tying-in works to other properties to a maximum of 5% of the total scheme costs.
- 2. Eligibility Criteria**
  - 2.1 To restrict schemes to those buildings contained within a declared Renewal Area.
  - 2.2 To restrict schemes to those which comply with the secretary of State for the Environment general approval criteria, that is to say:
    - i) The scheme relates to four or more houses;
    - ii) That at least 60% of the houses to which the scheme relates are affected by lack of reasonable external repair or structural instability;
    - iii) That the scheme does not relate to any flats;
    - iv) That, if a qualifying building to which the scheme relates includes houses or other premises that are not affected by lack of reasonable external repair or structural instability, their inclusion is necessary in order to give satisfactory visual or structural effect to scheme works on houses that are so affected;
    - v) That, having taken into account the following matters, the authority are satisfied that the scheme of group repair is the most satisfactory course of action for remedying the lack of reasonable external repair or structural instability:
      - a) the cost of the scheme works;
      - b) the estimated cost of any other works (excluding maintenance) which may be required to the buildings which comprise or contain the houses of which the scheme relates;
      - c) the estimated cost of any reasonable alternative course of action (including the demolition or renovation of some or all of those buildings) for remedying the lack of reasonable external repair or structural stability.

- d) The benefits reasonably foreseeable (including enhancement of the market value of these buildings after the completion of works), of group repair and such alternative courses of action as may be identified for the purpose of paragraph (c); and
  - e) Such guidance from the Secretary of State in relation to the matters mentioned in paragraphs (a) to (d) above as may then be in force;
- vi) That the authority's estimate of the fees to be incurred in connection with the scheme does not exceed 15% of the cost of the scheme.

2.3 To allow schemes to proceed only upon receiving from all those eligible to participate a signed agreement (scheme consent) form to take part as either an 'assisted participant' or an 'unassisted participant'.

'Assisted Participant' means a person who satisfies the following criteria:

- i) He/she has an owner's interest in a scheme property;
- ii) He/she can give the authority access to any part of the building to which it is proposed to carry out scheme works, or have the consent of the occupier to enable those works to be carried out; and
- iii) He/she completes an owner-occupation certificate (that they, or a member of their family, intend to live in the property for five years after completion of the works), a certificate of intended letting (if they intend to let it for that period) or a certificate of future occupation (if they intend to use it as an HMO for that period).

'Unassisted Participant' means one of the following persons:

- i) He/she is a person prevented from being an assisted participant by virtue of Section 64(7) of the 1996 Act (i.e. certain public sector and other bodies);
- ii) He/she is unable to give the necessary certificate required by assisted participants; or
- iii) He/she is not willing to participate but consents to works being carried out to his/her premises so that the works to the rest of the building may be satisfactorily completed.

2.4 Assisted participants are subjected to a test of resources, depending upon the type of certificate submitted with their application:

- i) Applicants incorporating an owner-occupier certificate will be subject to a test of resources in accordance with Section 30 of the Act and regulations made thereunder. (Cross-reference to Section B: Discretionary Major Repair Grants to Owner Occupiers and Qualifying Tenants).
- ii) Applications incorporating a certificate of intended letting will be subject to a test of resources in accordance with landlord applications



for renovation grants (Cross reference to Section D part: Landlords Discretionary Renovation Grants and Section E: Landlords Test of Resources and Calculation of Grant).

- iii) Depending on the scope of the scheme the Council may require applicants contributions to be paid in advance of work commencing.
- iv) Applications incorporating a certificate of future occupation will be subject to a test of resources in accordance with Section E: Landlords Test of Resources and Calculation of Grant).

Subject to a maximum contribution, in (I) to (ii) above, of 25% of the full cost attributable to works on the applicants property. In addition, in relation to owner-occupier applications, regard must be taken of any statutory contributions made in respect of other private sector grant applications.

- 2.5 Once scheme costs have been agreed with the participants, they become binding. Cost increases after scheme approvals are payable by the authority (without subsidy), subject to being able to re-negotiate fresh scheme consent from the participants affected. Where the final cost of works proves to be lower than the costs agreed with the participants, the authority is liable to pay a proportional refund to the participants in relation to any contribution paid.

### 3.0 **Eligible Works**

- 3.1 The qualifying works in relation to a group repair scheme are identified in Section 62 of the 1996 Act, namely:-

- i) To put into reasonable repair the exterior of buildings, including additional works to other parts of the buildings where it is necessary to give satisfactory effect to such works.
- ii) To render the buildings structurally stable, including works to the structure or to the foundations or other works necessary to give satisfactory effect to such works.

- 3.2 For the purpose of 3.1 (I) above, the exterior of a building means:-

- i) Any part exposed to the elements of wind and rain or otherwise faces into the open air. This includes roofs, chimneys, walls (including the inner leaf of cavity walls), doors, windows, rainwater goods and external pipework; and
- ii) The curtilage of the building including boundary walls, yards, paths and outbuildings. Works outside of the curtilage of the building may be included if necessary to give satisfactory effect to works to put into reasonable repair.

- 3.3 Reference to reasonable repair and structurally stable includes the following:

- i) Those building elements likely to require rebuilding, renewal or replacement within the 30 year period from the date of the property inspection, in the opinion of the inspecting officer.
- ii) Those works necessary to prevent further building movement, as may be specified by a structural engineer.

- iii) Those works necessary to remedy rising or penetrating dampness affecting the exterior walls of rooms within the main dwelling.

#### 4. **Conditions**

The following conditions apply to assisted participants in group repair schemes:

- i) That the conditions remain in force throughout the time from the date of signifying scheme consent and before the end of the protected period (5 years beginning with the completion date of the works).
- ii) That the owner must pay on demand the balance of the cost if he/she makes a relevant disposal of the premises within the meaning of Section 53 of the 1996 Act and is not an exempt disposal under Section 54 of the 1996 Act, before the end of the protected period.
- iii) That the owner must pay on demand the balance of cost if he/she fails to occupy the premises in the manner stated in the appropriate certificate which accompanied the application (see 2.d (i), (ii) or (iii)), before the end of the protected period.
- iv) That the owner must pay on demand the balance of cost if he/she fails to comply with a notice requiring a statement showing how the condition in (iii) above is being fulfilled within 21 days of its service.

The conditions in 4.1 are binding on any person who is for the time being an owner of the dwelling or house, and are recorded as a local land charge.

The conditions in 4.1 shall cease to be in force, if at any time while a condition of participation remains in force, the authority receives payment of the balance of cost under Section 73 of the 1996 Act.

The Council's Regeneration Committee is authorised to consider the circumstances of the following cases and, for that purpose, either determine not to demand repayment or to demand repayment of such a lesser amount:

- i) Where an owner makes a relevant disposal of the premises before the end of the protected period, and submits a written representation stating the reason why the condition was breached.
- ii) Where an owner fails to occupy the premises in the manner stated in the appropriate certificate which accompanied the application (see 2.4 (i), (ii) or (iii)) before the end of the protected period, and submits a written representation stating the reasons why the condition was breached.
- iii) Where an owner fails to comply with a notice served on him/her requiring a statement showing how the condition in 2.4 (iii) above is being fulfilled, and submits a written representation stating the reasons why the condition was breached.

## Notices

The following statutory notices may be relevant when reviewing an application for assisted participants in group repair scheme, and the council will have due regard to the content of such notices when considering applications for grant aid.

### Housing Act 1985 (as amended)

- S.189 repair notice in respect of unfit premises.
- S.190 repair notice in respect of premises not unfit but in need of substantial repair.
- S.264 closing order in respect of unfit premises.
- S.265 demolition order in respect of unfit premises.
- S.352 notice requiring works to render properties fit for the number of occupants.

### Housing Grants, Construction and Regeneration Act 1996

- S.81 deferred action notice.
- S.82 renewal of deferred action notice

## Prioritisation of Applicants/Schemes

Scheme approval in relation to any individual scheme is dependent upon sufficient private sector renewal budget allocation being available in any financial year.

The Council's Regeneration Committee shall be given delegated powers to determine the manner in which individual schemes within Eldon Lane, Coundon Grange and Bridge Place Renewal Area 2000 are carried out. Before reaching a decision, the committee shall have regard to the following issues:

- i) The current demand placed upon the Council's private sector renewal budget, in particular payments and commitments, and forecasts of financial year end statistics, in relation to activities that incur private sector renewal support grant subsidy.
- ii) The findings of the Neighbourhood Renewal Assessment (NRA) study report of March 1999, in particular those blocks of premises identified in the Implementation Plan and Appendix III of the report. This indicates those blocks for which group repair schemes appear to be the most satisfactory course of action for dealing with the conditions prevalent in the premises.
- iii) The extent, or otherwise, of the willingness of participants to sign up to a scheme consent.
- iv) The likely improvement in the premises attributable to carrying out the works.

- v) The likely visual impact in the premises and the surrounding area attributable to carrying out the works.
- vi) The likely overall impact in the delivery of the aims and objectives of the Renewal Area.
- vii) The views of the Dene Valley Community Partnership.

# Section G

## RELOCATION GRANTS

### 1. Financial Information

To restrict grant payable to a maximum of £20,000 per application. Grant must not exceed the cost of acquisition of a qualifying dwelling minus compensation and home loss payments.

### 2. Eligibility Criteria

- 2.1 To restrict grant payable to a **'qualifying person'** for the purpose of enabling them to acquire an **'owners interest'** in a **'qualifying dwelling'**.

**'Qualifying person'** means a person who:-

- i) has an interest in the property (known as the 'original dwelling' by virtue of Section 133 of the 1996 Act) which has been, or is to be, acquired by a local housing authority under Section 290 of the Housing Act 1985 (acquisition of land for clearance) or section 154 of the Town and Country Planning Act 1990 (effect of valid blight notice);and
- ii) the original dwelling was his/her only main residence (whether or not they were living in it) both on the date on which the clearance area was declared by the authority and throughout the twelve month period ending with the acquisition date.

The interest in the original dwelling must be greater than a tenancy for a year or from year to year, including freehold or leasehold ownership as well as other tenancies that meet this condition, provided that the minimum residence requirement for grant is twelve months.

**'Owners Interest'** in relation

- i) an estate in fee absolute in possession, or
- ii) a term of years absolute of which not less than five years remain unexpired at the date of application,

Whether held by the applicant alone or jointly with others.

Where the applicant does not possess full home ownership, the grant award will be reduced by the percentage rate equivalent to the applicant's proportion of home ownership (i.e. for shared ownership leases etc.)

**'Qualifying dwelling'** means a dwelling situated within the geographical boundary of Wear Valley District Council.

- 2.2 To reduce grant entitlement in accordance with Section 134 of the 1996 Act and the regulations made thereunder. (i.e. applicants are subject to financial test of resources).

- 2.3 The application must be accompanied by a certificate that certifies that the applicant proposes to acquire an owner's interest in the qualifying dwelling. Also that he/she, or a member of their family, intends to live in that dwelling as his/her (or that persons) only or main residence.
- 2.4 The qualifying dwelling must be 'reasonably suitable' for the housing needs of the intended occupant or occupants.

**'Reasonably suitable'** means the following:-

- i) The qualifying dwelling must be of a size and type which is not less suitable than that of the original dwelling.
- ii) The qualifying dwelling must not be permitted to become statutorily overcrowded, by virtue of part X of the Housing Act 1985. For this purpose, regard shall be given to the number of persons living in the original dwelling. In addition, all family members shall be assumed to be at least 10 years of age, whether or not the original dwelling contains children under 10 years of age on the date of application for grant.
- iii) Where applicable, the qualifying dwelling must be suitable, or capable of being made suitable, to meet the needs of any disabled occupant. Mandatory disabled facilities grant may be considered, subject to certain criteria, to meet such needs (See Section A)
- iv) The qualifying dwelling, if outside of the Eldon Lane, Coundon Grange and Bridge Place Renewal Area, must be fit for human habitation by virtue of Section 604 of the Housing Act 1985 on the date of purchase by the applicant.
- v) The qualifying dwelling, if inside of the Eldon Lane, Coundon Grange and Bridge Place Renewal Area, must be either:-
  - a) Fit for human habitation or by virtue of Section 604 of the Housing Act 1985, or
  - b) Unfit for human habitation by virtue of Section 604 of the Housing Act 1985 and the most satisfactory course of dealing with the condition of the dwelling is by renovation. Where this applies, major repair grant may be considered, subject to certain criteria (see Section B). In addition, the prior qualification period for such grants under Section 10 of the 1996 Act is waived.

### 3. **Eligible Works**

- 3.1 To acquire a qualifying dwelling that is reasonably suitable for the housing needs of the intended occupant or occupants, including reasonable incidental expenses (such as solicitor's fees). For this purpose, the cost of acquiring the qualifying dwelling shall be taken to be which ever of the following is the lesser amount namely:-

- i) The actual cost (including reasonable incidental expenses) of acquiring the dwelling; and
- ii) The amount which the authority considered to be the reasonable cost (including such expenses) of acquiring a comparable dwelling in the Wear Valley area, having regard to any advice which may be sought from the District Valuer.

#### 4. **Conditions**

4.1 Grant will be made available to the solicitor acting for the applicant at the time that payment of the principal sum is required to complete contract.

4.2 The following conditions to grant entitlement are imposed:-

- i) That the grant conditions remain in force throughout the period of 5 years (reference to the 5 year period means the 5 year period starting with the date of acquisition of the qualifying dwelling). This applies not only on the persons who provide the certificate that certifies that the applicant proposes to acquire an owner's interest in the qualifying dwelling, but also on any subsequent owners of the dwelling.
- ii) That the amount of grant is repaid in full, including compound interest, if the owner makes a relevant disposal by virtue of Section 135 of the 1996 Act, within the 5 year period. Reference to the 5-year period means 5-year period starting with the date of acquisition of the qualifying dwelling.
- iii) That the amount of grant is repaid in full, including compound interest, should the owner, or a member of his family, fail to occupy the qualifying dwelling throughout the 5 year period. Reference to the 5 year period means the 5 year period starting with the date of acquisition of the qualifying dwelling.
- iv) That the owner shall provide, within 21 days of being requested, a statement showing how the qualifying dwelling is occupied.

4.3 The liability that arises under a grant condition is as if it had been created by deed expressed to be by way of legal mortgage. The charge has priority immediately after any legal charge securing an amount:-

- i) Advanced to the applicant by an approved lending institution for the purpose of enabling him/her to acquire the dwelling.
- ii) Further advance to him by that institution.

4.4 The Council's Regeneration Committee is authorised to consider the circumstances of the following cases and, for that purpose, either determine not to demand repayment or to demand repayment of such a lesser amount:-

- i) Where a disposal is made by a mortgage in exercise of his/her power of sale.

- ii) Where an owner of the qualifying dwelling intends to move to other accommodation for the purpose of enabling him/her or his/her partner to:
  - a) accept employment where either of them is, or would otherwise become, unemployed, or
  - b) continue in employment where either of them is required by his/her employer to move to another place of work.
- iii) Where an owner, or a member of his/her family, fail to occupy the qualifying dwelling in accordance with condition 4.2 (iii) above, and a written representation is received stating the reasons why the condition was breached.
- iv) Where an owner of the qualifying dwelling submits written representation stating that a further home improvement loan is necessary during the grant condition period (e.g. for some unforeseen expensive repair).

In determining whether to demand repayment of grant, the Regeneration Committee shall have due regard to the following circumstances that may be relevant in any particular case:

- i) Financial hardship – a disposal made following such a change in the financial circumstances of the relevant person that he would suffer financial hardship if all or part of the amount of grant was repaid.
- ii) Employment – a disposal made to enable a relevant person to seek, or take up, employment or to change the place of his employment.
- iii) Health and well being – a disposal made for reasons connected with the physical or mental health, or well being of a relevant person.
- iv) Provision of care – a disposal made to enable a person to live with, or near, any person who is disabled or infirm and in need of care which the person is intending to provide; or who is intending to provide care of which the relevant person is in need by reason of his disability or infirmity.
- v) Suitability for number of occupants – a disposal made to enable accommodation to be provided which is more suitable for the number of people occupying the premises to which the application for grant relates.
- vi) Disposal proceeds – a disposal of premises to which an application for grant relates where the disposal proceeds (after deduction of any relevant amount) are less than the amount of grant which a relevant person (apart from this consent) would be liable to repay. In this paragraph 'relevant amount' means:
- vii) The amount of any expenses incurred by the relevant person in connection with the disposal;



- viii) The amount of any advance secured by a charge on the premises which has been repaid by the relevant person.
- ix) Value of premises – a disposal of premises to which an application for grant relates, where the value of the premises at the date of the disposal, after deducting the amount of grant that has been paid, is less than the value of the premises at the of the application for grant.
- x) Disposal to local authority or RSL – a disposal made to the Council or a registered social landlord.
- xi) Inheritance – a disposal by a relevant person of premises to which an application for grant relates where those premises were vested in that person as a person taking under a will or an intestacy.

## 5 **Notices**

The following statutory notices may be relevant when reviewing an application for grant aid, and the council will have due regard to the content of such notices when considering applications for grant aid.

### 5.1 Housing Act 1985 (as amended)

- S.189 repair notice in respect of unfit premises
- S.190 repair notice in respect of premises not unfit but in need of substantial repair.
- S.264 closing order in respect of unfit premises.
- S.265 demolition order in respect of unfit premises
- S.289 declaration of clearance area.
- S.290 acquisition of land for clearance
- S.352 notice requiring works to render properties fit for the number of occupants.

### 5.2 Housing Grants, Construction and Regeneration Act 1996

- S.81 deferred action notice
- S.82 renewal of deferred action notice

### 5.3 Town and Country Planning Act 1990

- S.154 effects of valid blight notice

## 6. **Prioritisation of Applicants**

Applications for Relocation Grant will be given priority over all other private sector renewal grants.

# Section H

## **PRIVATE SECTOR GRANT APPLICATIONS IN RELATION TO PROPERTIES NOT SERVED BY PUBLIC UTILITIES**

### **1.0 Introduction**

The remote nature of certain parts of the Council's district means that a number of privately owned dwellings may not be connected to the various public utilities, namely:-

- a) Mains Water;
- b) Mains electricity or gas; or
- c) Public sewerage system.

In certain cases this can occur as a result of a preference, for example, for a private drinking water supply, although the majority of cases occur as a result of the economic limitations of connecting up to the public supplies.

### **2.0 Private Sector Grant Implications**

- 2.1 A key strand of the Council's private sector grants policies is to address the issue of properties that are unfit for human habitation.

The criteria laid down to assess unfitness include:-

- a) Adequate provision for lighting, heating and ventilation
- b) An adequate piped supply for wholesome water
- c) Effective systems for the drainage of foul, waste and surface water.

It follows that properties not connected to the public utilities may require significant investment just to connect them to each service, or to provide adequate alternative provision via electricity generators, water bore-holes, cesspools, septic tanks etc. This is in addition to any other works normally associated with remedying unfitness.

- 2.2 In all cases, the decision to issue a renovation grant in respect of the dwelling must be the best course of action for dealing with the conditions found. This would include those works necessary for the connection of the aforementioned services, either public or private, where the lack of such facilities renders the dwelling unfit for human habitation. Inclusion of those works will, however, impact upon the Council's overall private sector grants budget.

### **3.0 Policy for Grant Eligible Works in respect of connection to adequate gas/electric, water or drainage facilities**

To restrict grant eligibility works to the following, if appropriate and necessary to render the dwelling fit for human habitation.

- a) Power Supply

The satisfactory provision of separate lighting and power circuits and associated internal wiring and current protection facilities up to the usual location of the public supply meter.

The owner to be responsible for, at his expense, connection to the electricity supplies network or an appropriate generator.

b) Water Supply

- i) The satisfactory provision of internal cold water supply pipework to the dwelling, including connection to the kitchen sink and the indirect supply via a header tank to serve bathroom facilities and the wet heating and/or hot water system to the dwelling.
- ii) The provision of an in-line ultra violet water treatment device, or chemical filter fitted as close as practicable to the kitchen sink. This measure to be restricted to those dwellings that have failed the bacteriological or chemical standards as laid down in the current Water Supply (Water Quality) Regulations. The provision of water supply pipework up to a maximum of 100 metres or to the connection to a suitable public supply, bore-hole or holding tank, whichever is the lesser.

The owner to be responsible for, at his expense, connection to the public water supply if greater than 100 metres from the dwelling, or the provision of a satisfactory bore-hole, holding tank and all associated works.

c) Drainage

- i) The provision of all appropriate above ground soil, waste and surface water drainage facilities serving the dwelling, but not including any outbuildings or storage buildings not connected to the dwelling.
- ii) The provision of below ground drainage facilities, including an inspection chamber if appropriate, up to a maximum of 30 metres of pipework, or to the connection to a suitable public supply, cesspool or septic tank, whichever is the lesser.

The owner to be responsible for, at his expense, connection to the public drainage system if greater than 30 metres from the dwelling, or the provision of a satisfactory cesspool or septic tank and all associated works.

# Section I

Provision of Professional, technical and Administrative Services for Applicants.

## 1. **Provision**

Durham Dales Home Improvement Agency is a small, locally based not for profit organisation, which has been established to help vulnerable clients tackle their unsuitable housing conditions.

### 1.1 Working in partnership with the Local Authorities Private Sector Housing Team in the provision of grants, the Agency offers the following services:

- Initial general and impartial advice
- Full Technical surveys Carried out by Wear Valley District Councils
- Funding options for non grant eligible work
- Preparation of schedules of work, drawing of plans and specifications
- Obtaining specialist reports if necessary
- Submitting applications for planning consents and building regulations where necessary
- Assistance in completing complex application forms and carrying out test of resources to determine a clients likely contribution towards the cost of the works
- Obtaining estimates from reputable and vetted contractors
- Submitting full valid applications to the Local Authority for approval
- Organising commencement of works and supervising the work as it proceeds
- Ensuring satisfactory completion of works
- Preparing contractors payments
- Liaising with the Local Authority grant officers throughout the process.

## 2 **Fees**

### 2.1 The Agency charges a fee for the services it offers, which is based on a percentage of the cost of works carried out. This fee forms part of the grant application therefore is not payable by the client.

The current fee levied is 8% (£50.00 minimum) of the total cost of the eligible works, includes VAT where applicable.

## Section J

# MANAGEMENT OF THE ENQUIRY SYSTEMS

## Introduction

The effectiveness of any private sector grants policy is dependent upon the order in which enquiries are dealt with. Policies that targets valuable resources to those most in need will not be fully realised if the initial enquiries are not effectively screened.

### The Enquiry System

1. Ultimate priority is given to the administration of Mandatory Disable Facilities Grants (DFGs), where supported by a referral from the Social Services Department, Durham County Council. DFG enquiries are sorted into two categories:-

- i) Fast Track, or
- ii) Routine

A fast track case is where there is a considerable risk of death or serious injury to the disabled person, having regard to the medical prognosis and the nature of the works related.

All DFG enquiries will be dealt with chronologically. Where a case is fast tracked, it will automatically go to the top of the enquiry list.

Clients who qualify for mandatory DFG may also qualify for Major Repair Grant and/or Minor Repair Grant. These cases will automatically go to the top of the Private Sector Renewal Enquiry List.

2. A points based enquiry system exists for the remainder of the Private Sector Grants Enquiries, namely:-

- a) Major Repair Grants to owner occupiers and qualifying tenants; and
- b) Minor Repair Grants.

Those enquiries relating to landlords Renovation Grants will be given initial advice on what is required to submit a valid application for grant. Thereafter, they will be processed chronologically upon submission of a valid application for grant, within the statutory time period for determination of applications (6 months).

With regard to 2 (a) and (b) above, points are awarded in respect of the following circumstances:-

- i) the age of the property;
- ii) the property type;
- iii) the location of the property in relation to any 'Area Based' Council activity;
- iv) the household structure (age, income, disability);

- v) house condition (fitness for habitation) and urgency; and
- vi) length of time in enquiry system;

Enquiries are sorted by number of points. Those with the same number of points are sorted chronologically.

## **Section K**

### **PRIVATE SECTOR GRANT APPLICATIONS WHICH REQUIRE DETERMINATION BY THE COUNCIL'S REGENERATION COMMITTEE**

1. Applications that fall outside the scope of the Council's adopted Private Sector Grant Policies
2. Applications from owners or qualifying tenants who are:-
  - (i) Elected members of the Council; or
  - (ii) Full or part-time employees of the Council
3. Cases where the applicant submits a written representation in response to a grant determination, stating his/her exact reasons for being aggrieved at the determination.