

**CHESTER-LE-STREET DISTRICT COUNCIL**

**DIRECTORATE OF DEVELOPMENT SERVICES**

**REPORT TO EXECUTIVE**

**1 AUGUST 2005**

**REPORT FROM THE ENVIRONMENTAL HEALTH MANAGER**

**PRIVATE SECTOR HOUSING RENEWAL POLICIES**

**1.0 PURPOSE OF REPORT**

- 1.1 Executive considered the draft Private Sector Housing Renewal Policy at the meeting held on 6 June 2005. This report seeks final Executive approval for the Policy, following the consultation stage.

**2.0 POLICY**

- 2.1 There is a need to monitor and review the Private Sector Renewal Policy. The drivers for such review are founded on our legal obligations to deliver sustainable communities, provide support to the vulnerable and ensure these groups have the opportunity to live in a decent home and so promote social cohesion, well-being and self-dependence.
- 2.2 The policy review takes into account these drivers as well as the Audit Letter of 2003, the subsequent improvement and recovery plan, the Community Strategy and the newly appointed Durham City and Chester-le-Street Home Improvement Agency, the latter of which is administered via Three Rivers Housing Group. This report aims to address those areas as well as take into account recent developments in housing legislation and Government guidance. A matrix identifying the action plan progress to date is set out in annexes to this report, specifically Chapter 4 Appendices A and B.
- 2.3 It is essential that this policy is incorporated into the wider housing strategy and accompanying policies and that it can be accessed by the vulnerable groups it targets.

**3.0 IMPLICATIONS**

**3.1 Financial**

Members considered the direct financial implications as part of the Council's 2005/06-budget process. Capital expenditure in relation to private sector housing renewal policies forms an integral part of the Council's medium term financial strategy, as reported by the Director of Resources

### 3.2 Legal

The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 requires that a policy is produced and publicised in the prescribed manner. The attendant ODPM Circular 05/2003 offers guidance on how this should be done and recommends criteria for inclusion.

In addition, the Housing Act 2004 imposes new ways of dealing with housing, and in particular the new housing health and safety rating system. A Member briefing paper, circulated in February 2005 by the Principal Housing Strategy Officer, gave an outline of the main provisions of the Act, including a reference to the new rating system.

### 3.3 Personnel

There are specific personnel implications arising from this report. These include staff training relating to the provisions of the 2004 Act. The implications resulting from the creation of the Home Improvement Agency (HIA) were set out in the report to Executive on 20 December 2004. As this area of work develops, the operational duties and responsibilities are expected to change, in relation to the works carried out by HIA staff and direct Council employees. Any future implications will be reported as appropriate.

### 3.4 Other Services

The report impacts upon the work of other Council services, for example:

- (i) Finance Section – tenant deposit schemes and claw back of financial resources resulting from breach of conditions. (The subjects of loans or equity release schemes is an issue for further consideration in the light of the Financial Services Act 2000 in particular the issue of independent financial advice)
- (ii) Legal Services – in relation to proceedings resulting from enforcement, area declarations and land searches.
- (iii) Housing Department – in relation to the functions currently delivered, such as the Homelessness Section, developing uniform specifications of work across all tenures and the Private Sector Landlords Accreditation Scheme.
- (iv) Community Safety - initiatives to assist with anti-social behaviour and the overall reduction in crime statistics.
- (v) Other Environmental Health services – cross working between licensing of landlords and other licensing activities.

### 3.5 Diversity

The Private Sector Housing Renewal Policy provides a key source of assistance for older, disabled and vulnerable people to enable them to maintain independence. There is a need to support this assistance and tailor care needs accordingly to ensure that vulnerable members of our community benefit from help with:

- (i) Identifying repairs and improvements;
- (ii) Finding suitable contractors;
- (iii) Ensuring work is carried out effectively;
- (iv) Freeing up hospital beds;
- (v) Supporting people with accessing public resources including disabled facilities and other grants; and
- (vi) Helping people to make use of other sources of funding through information on loans, insurance, equity release and provision of materials or advice.

### 3.6 Risk Management

There are a number of risks associated with failing to implement the Private Sector Housing Renewal Policy. Continued consideration must be given to the criticism from the Audit Commission relating to Chester-le-Street District Council. It is important that this is addressed to support the Housing Service within any future inspection by the Audit Commission to assist them in meeting their required 2 star inspection status.

Significant Council capital and revenue resources are tied up in tackling private sector housing conditions. Failure to effectively target resources could leave vulnerable residents without appropriate interventions. Worse still, following the incorrect course of action could waste resources.

## 4.0 BACKGROUND

- 4.1 Members considered private sector housing conditions within the context of national, regional and local drivers at the 6 June 2005 meeting. These drivers resulted in a series of draft policies, which were considered suitable for consultation.
- 4.2 The specific detailed policies referred to in paragraph 4.1 are set out in separate appendices under the following chapters:
- (i) Chapter 1 – Financial Assistance Packages and Ancillary Guidance
  - (ii) Chapter 2 – Prioritisation, Enforcement and Service Standards
  - (iii) Chapter 3 – Area Based Activity
  - (iv) Chapter 4 – Miscellaneous

**The various recommended changes to policy, following consultation, are identified in size 14 text and in square brackets on pages 9, 10, 14, 15 and 34.**

- 4.3 The appendices identified in 4.2 include detailed instructions for the award of financial assistance packages. Delegated powers are given to the Director of Development Services and the Environmental Health Manager to approve expenditure in accordance with the instructions contained within these appendices.
- 4.4 The Executive retain responsibility for assessing financial assistance packages in 4.2 above in the following circumstances: -
- (i) Where the application for financial assistance is made by an employee or elected Member of the Council, including close relatives of the same.
  - (ii) Where the application for financial assistance falls outside the scope of the officer delegated powers, and the Director of Development Services considers it appropriate to have regard to exceptional circumstances (e.g. where the disabled adaptation works are over £25,000).
  - (iii) Where a person is aggrieved by a decision taken by officers under delegated powers and that person provides a written representation on appeal.
  - (iv) Where the Director of Development Services or Environmental Health Manager considers that, for whatever reason, the

application for financial assistance should be considered by the Executive, rather than by officers.

The decision of the Executive is final.

- 4.5 Careful consideration will need to be taken in relation to the prioritisation given to staff and resources required to tackle the various policy strands.
- 4.6 As an interim measure, persons who have submitted full applications for private sector housing assistance before 1 August 2005 will be dealt with under the Council's previous policy, which was approved by Full Council in June 2003. A full application means one containing: a schedule of works; at least two contractor estimates; details of any ancillary costs; and a certificate of future occupation. Persons currently in the enquiry system, whose applications are not at the full stage, will be informed by letter regarding the Council's revised policies, and that their applications will be dealt with under the new policy.

## **5.0 CONSULTATION**

- 5.1 The following list of persons and organisations were contacted during the consultation period by letter:
- (i) Members and key Council staff.
  - (ii) Residents groups and other representatives of the sub-District e.g. Parish Councils.
  - (iii) Durham and Chester-le-Street Primary Care Trust.
  - (iv) The District Partnership.
  - (v) Organisations specialising in the interests of vulnerable groups e.g. Age Concern, Social Services etc.
  - (vi) The Crime Reduction Partnership.
  - (vii) Other local housing authorities, particularly neighbouring districts.
  - (viii) Recipients of services.

Full copies of the draft policy were sent out upon request. In addition a 'drop-in' day was held at Box 13, Riverside on 12 July 2005, where such persons or organisations could speak to the authors of the policy. During the day, representatives called in from Derwentside District Council, Durham County Council Social Services, the District Council and a Parish Council. Apologies were received from others who could

not make that date, but who have discussed the policy content separately with officers.

- 5.2 In terms of recipients of services mentioned at paragraph 5.1 (Viii) above, on going feedback will be sought via customer satisfaction questionnaires. As a minimum, the information contained in the appendices to this report (Chapter 1 Financial Assistance Packages) will be requested from all applicants.
- 5.3 One written representation (from Durham County Social Services) was received prior to the deadline for the Executive meeting today. A transcript of the relevant facts is given below, and the recommended policy changes marked in red text within the relevant appendix:

*"2.2 - Fourth bullet point - I suggest that it could be changed to include the sentence:-*

*Wherever possible, adaptations should be accommodated via internal conversion works. However, if this would reduce or limit access to the existing facilities or amenities of the dwelling for the occupants, or result in the property becoming overcrowded, extension to the property may be considered.*

*Consideration of the number of occupants living within the dwelling would impact upon the utilisation of the living room or dining room for sleeping purposes, by the disabled person.*

*2.2 - Last paragraph on page 12*

*I am unsure about the purpose of the first sentence which starts "To reduce grant entitlement", as the test of resources doesn't reduce grant entitlement it establishes what the grant entitlement is. On the second sentence of this paragraph I believe the word "prognosis" could be replaced by "condition", particularly as the word prognosis is often used in relation to life limiting conditions, under which circumstances we may not be considering a further DFG application as a means of dealing with the clients needs. Clients, who have conditions which vary over time, often with a deterioration, may actually have a long lifespan ahead of them, albeit with increasing levels of disability, and may well be applying more than once for a DFG.*

*3.3 - Discretionary Financial Assistance etc.*

*I believe that the provision of funding to enable a disabled person to move from their owner occupier or privately rented property to another, which is more suitable for their needs or can more feasibly and reasonably be adapted to meet their need, would be a very welcome addition to the means available to meet the needs of disabled people.*

*The Social Care and Health OT service here in Chester le Street, would of course be pleased to assist in this process, by viewing any properties that DFG applicants may be considering moving to (including council properties), to ensure the suitability of this property for the client, and to establish what if any adaptations are required to make such a possible property fully suitable to meet the needs of the disabled person.*

*4.2.1 I'm not sure how stairlift or through floor lifts might be retained as I thought that the provision of the DFG would make them the property of the applicant. However the reuse of new or fairly new equipment, such as this due to unforeseen circumstance, (eg client dies or goes into residential care), for the benefit of others be they DFG applicants or disabled Council tenants would be welcome, particularly if storage arrangements could be made."*

## **6.0 POLICY REVIEW**

6.1 The policy will be subject to regular review. The nature and frequency of any review will depend upon various factors, of which the following non-exhaustive list may be of relevance:

- (i) The results of any stock condition survey, housing needs assessment or area based study.
- (ii) The on-going performance of the Home Improvement Agency, specifically including any expansion or contraction of services.
- (iii) Government policy changes affecting the national, regional or sub-regional context.
- (iv) Market forces causing an impact upon the local housing situation.
- (v) The future situation regarding the Council's own stock.
- (vi) Budget variations.
- (vii) The results of any customer feedback questionnaires.

6.2 The mechanics of how to carry out policy reviews will depend upon the nature of the driving force behind such a review.

## **7.0 CONCLUSIONS AND RECOMMENDATIONS**

- 7.1 The Executive is requested to receive the above report and a decision is requested to approve the content of the Private Sector Housing Policy, which is appended to this report.

**PAUL JENKINS**  
**Environmental Health Manager**  
19 July 2005

Background Papers:

Executive report 4 April 2005: Proposals for the Operation of Home Improvement Agency Services.

Executive Report 6 June 2005: Private Sector Housing Renewal Policies.

Full Council report 30 September 2004: Affordable Warmth Strategy.  
The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002.

ODPM Circular 05/2003: Housing Renewal.

Housing Act 2004.

ODPM Consultation 24 January 2005 Sustainable Communities: Homes for All.

ODPM Consultation 31 January 2005 Sustainable Communities: People, Places and Prosperity.

English House Condition Survey: Building on our future 2001.

## **CHAPTER 1: FINANCIAL ASSISTANCE PACKAGES**

### **APPENDIX A - MANDATORY DISABLED FACILITIES GRANTS (DFG)**

#### **1.0 Financial Information**

A grant aid limit of £25,000 is maintained for eligible 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.

#### **2.0 Eligibility Criteria**

2.1 That the relevant works are necessary and appropriate to meet the needs of the disabled occupant, and supported by a referral from the Social Services Department, Durham County Council.

2.2 That it is 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:

- Any architectural and structural characteristics of the dwelling that may render certain types of adaptations inappropriate.
- 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.
- Any conservation and planning considerations or constraints.
- Any impact on other occupants of proposed works, which will reduce or limit the existing facilities or amenities of the dwelling. Wherever possible, adaptations should be accommodated via internal conversion works. [However, if this would reduce or limit access to the existing facilities or amenities of the dwelling for the occupants, or result in the property becoming overcrowded, extension of the property may be considered.] Other occupants will be expected to utilise living rooms and / or dining rooms for sleeping purposes, if applicable.

That the application is made by a person who is entitled to apply by virtue of Sections 19 to 22 of the Housing Grants, Construction and Regeneration Act 1996, as amended by the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 and the Housing Act 2004.

To reduce grant entitlement in accordance with Section 30 of the 1996 Act and Regulations made hereunder. (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 [condition] differs over the course of time. In these circumstances, statutory applicants' contributions paid in respect of previous grants (up to 5 years for tenants and 10 years for owner occupiers) will be taken into account.

- 2.3 Grant will be assessed having regard to the statutory **minimum** standards necessary to meet the needs of the disabled occupant. Where an applicant chooses to carry out an alternative scheme, any such scheme must also satisfy the statutory minimum standards. The applicant will be responsible for paying all costs incurred above this limit.

### **3.0 Eligible Works**

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

Facilitating access by the disabled occupant to and from the dwelling or the building in which the dwelling or, as the case may be, flat is situated

Making the dwelling or building safe for the disabled occupant and other persons residing with him

Facilitating access by the disabled occupant to a room used or usable as the principal family room

Facilitating access by the disabled occupant to, or providing for the disabled occupant, a room used or usable for sleeping

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

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

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

Facilitating the preparation and cooking of food by the disabled occupant

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 his needs

Facilitating the use by the 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

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

Such other purposes as may be specified by order of the Secretary of State.

In this part, dwelling includes park homes, caravans and houseboats, where they are the only or main residences of the applicant.

**In respect to the works mentioned in 3.1 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.**

### 3.2 Discretionary Financial Assistance in Lieu of Carrying Out Works

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

- 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.
- The disabled person purchases an alternative property within the Chester-le-Street district boundary, which is either suitable for immediate occupation or is readily adaptable to meet his or her current needs. The maximum assistance is therefore limited to £25,000 minus any statutory contribution payable under Section 2 above, or to the cost of providing adaptations identified in the current property (whichever is the lesser).
- 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 the alternative property; reasonable estate agent fees for the sale of the current property;

carrying out works to the alternative property, where these are necessary to meet the disabled persons current needs; and reasonable fees for disturbance allowance, including the connection and reconnection of services.

Where the disabled person wishes to move into a Council or Registered Social Landlord property, as his only or main residence, then the available package of measures is restricted to those reasonable expenses relating to the sale of the current dwelling and any relevant disturbance fees.

Where the disabled person is currently in hospital, and is prevented from being discharged by virtue of the lack of suitable adaptations in his or her main residence (Paragraph 3.1 above refers), the case will be fast tracked to the HIA for grant consideration. Without prejudice to this action, the Director of Housing and Community Services MAY offer suitable Council accommodation as a permanent alternative solution.

### 3.3 Energy Efficiency, Home Safety and Crime Prevention Measures

3.3.1 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, via Discretionary Repairs Assistance (Appendix B). Any award for these measures is in addition to the DFG works. Where the applicant has a statutory contribution towards the cost of DFG works (i.e. after carrying out a means test), any such contribution will be taken into consideration.

## 4.0 Conditions

4.1 Grant aid will not be paid for works already begun before approval.

4.2 The following conditions to grant entitlement are imposed: -

4.2.1 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.

4.2.2 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.

4.2.3 To require repayment of grant where works are contained in a relevant claim (Section 51 of the 1996 Act), that is:-

- an insurance claim, or a legal claim against another person in respect of damages to the premises to which the grant relates
- a legal claim for damages in which the cost of the works to premises to which the grant relates is part of the claim.

- 4.2.4 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.
- 4.2.5 That the works are carried out in accordance with such specifications, as may be determined by the Council in writing.

Any action resulting in the enforcement of condition 4.2.1 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 the equipment (based on the value of the equipment upon its removal). Any breach of 4.2.3 above will allow the Council's Director of Development Services or the Environmental Health Manager to sanction a demand for repayment up to and including any amount of grant paid, including compound interest charged at yearly rests.

## **CHAPTER 1: FINANCIAL ASSISTANCE PACKAGES**

### **APPENDIX B - DISCRETIONARY REPAIRS ASSISTANCE TO OWNER OCCUPIERS AND QUALIFYING TENANTS**

#### **1.0 Financial Information**

To restrict financial assistance, in respect of any one dwelling, to a maximum of **£12,000** in any 10-year period.

#### **2.0 Eligibility Criteria**

##### **2.1 To restrict eligible works to the following purposes: -**

Works required to render properties fit for human habitation, and to meet the decent home standard, where the current or most recent use of the property is or was domestic and the most satisfactory course of action is to renovate the property; and

In conjunction with the works identified above, to award a package of energy efficiency, home safety and crime measures where appropriate.

##### **2.3 To restrict eligibility to an applicant who has lived in the dwelling as his/her only or main residence throughout a 3-year period leading up to the date of application.**

To waive the 3-year provisions above to applicants providing a Certificate of Owner Occupation in respect of properties situated in a declared Council priority action area **and** which have remained vacant for at least the 6 month period leading up to the date of application. This applies only where the applicant is not an owner of any other dwelling.

To waive the 3-year provisions above to those owners providing a Certificate of Owner Occupation **and** who can demonstrate, via a lending institution, their entitlement to a mortgage as first time buyers.

##### **2.4 To restrict eligibility to those persons who have the power or duty to carry out the works. This will generally mean owner-occupiers, however tenants will also be eligible where they can demonstrate repairing obligations in their tenancy agreement. In the latter cases, grant will be restricted to works specifically referred to in such an agreement.**

##### **2.5 To consider the full cost of eligible works for applicants who receive Council Tax Benefit, by reason of their income, on the date of application for financial assistance. [For applicants not in receipt of income related Council Tax Benefit, to restrict assistance**

to a rate of 50% of the cost of eligible works (i.e. works costing £24,000 would attract £12,000 in assistance).]

- 2.6 Financial 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 assistance.

### **3.0 Eligible Works**

#### **3.1 Renovation/Improvement Works**

Works required to render the dwelling fit for human habitation and to meet the Government decent homes standard\*. (\* Except replacement of kitchen fixtures and fittings over 20 years of age and / or bathroom fixtures and fittings over 30 years old, where the appliance(s) is /are in working order with a projected minimum of 5 years life before anticipated replacement).

The standard of fitness for human habitation is specified in the Housing Act 1985 section 604 (as amended, upon Commencement Order, by the Housing Act 2004).

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 financial assistance, "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:

- Badly cracked yard and path surfaces – aid will consider main access areas only from the front / rear external door to the curtilage of the dwelling, or to any permanent outbuildings up to a maximum of 25m<sup>2</sup>. Minor cracks or imperfections that do not present significant tripping hazards, or driveways and paths serving garden areas are not eligible for assistance.
- Boundary walls, gates and fences – aid will consider works only where they are deemed to be in a dangerous condition.
- External steps – 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.
- Underground drainage – aid will be considered, subject to the limitations contained in Appendix H.

- Outbuildings – 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 aid purposes will be the lesser of those minimum works to remove any danger, or to demolish the outbuildings. No aid 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 Discretionary Repairs Assistance are also eligible to receive a package of additional measures, where applicable, in relation to energy efficiency, home safety and crime prevention.

#### 3.2.1 Energy Efficiency Works

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 120, using the Government's Standard Assessment Procedure).

##### To Provide Adequate Thermal Insulation

- \*Wall insulation to all suitable external walls.
- \*Insulating the primary pipe work of all boiler systems.
- \*Upgrading the insulating jacket on all hot water tanks.
- \*Draught proofing all windows and external doors.
- \*Upgrading of loft insulation.
- Upgrading of single glazed windows to double-glazed sealed UPVC units, whenever the existing windows are not capable of being repaired at reasonable cost.
- Upgrading of floors to incorporate insulating material whenever practicable, for example when defective floors are being replaced.
- Upgrading of flat roof insulation, when renewing worn out decking.
- Mechanical extract ventilation, incorporating a heat recovery device, where linked to an inherent dampness problem associated with the building fabric, rather than the manner of occupancy.

##### To Provide Adequate Facilities for Space Heating and Hot Water

- Providing thermostats on all hot water tanks to control the temperature of the primary circuit.
- \*Fitting thermostatic radiator valves (TRV's) to all existing boiler systems with radiators, where possible.

c) \*Upgrading of existing space and water heating appliances whenever: -

- The appliances are principally responsible for the lack of affordable warmth due to their inherent inadequacies; or
- The principal means of space heating and / or water heating is defective and not capable of being repaired at a reasonable cost.

In relation to c) above, the following works would be appropriate:-

- Replacement of inefficient space heating appliances with ones that 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 that are more appropriate e.g. Condensing boilers, with or without radiators as appropriate.

**\*Applicants may qualify for these measures via grant assistance from Central Government e.g. Warm Front, or via a local scheme e.g. COSY and Durham Energy Savers. Where this is the case, take up of external funding will be maximised through a referral system.**

### 3.2.2 Home Safety Measures

Financial assistance 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 the head of the staircase.
- (iii) Increase headroom to staircases if currently less than 2.0m.
- (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.
- (viii) Raising windowsills where falls through the window are foreseeable.
- (ix) Safety glazing (where appropriate).

### 3.2.3 Crime Prevention Measures

Financial assistance would be considered for the following measures, if necessary:-

- (i) Good quality exterior grade final exit doors and frames.

- (ii) At least one 5 lever mortised 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 open-able 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 mortised door security bolts, installed in such a manner so 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 mortised 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.

**In the first instance, the applicant will be directed towards other funding mechanisms for the above works e.g. Community Safety budget for target hardening measures, if applicable.**

#### **4.0 Conditions**

4.1 Financial assistance will not be paid for works already begun before receiving a formal Council approval.

4.2 The following conditions to financial assistance are imposed: -

- (i) That the Council shall require payment of assistance direct to the Contractor, where satisfied that the works were completed to a satisfactory standard.
- (ii) That the payment of assistance 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.
- (iii) To require repayment of assistance where works are contained in a **relevant claim**. A relevant claim is either an insurance or legal claim against another person in respect of damages to the premises, or a legal claim for damages in which the cost of the works to premises to which the assistance relates is part of the claim. Following investigations into the circumstances,

applicants will be expected to make a relevant claim, if appropriate, before the works commence.

- (iv) To require repayment of assistance where the owner makes a **relevant disposal** of the premises. A relevant disposal means:

A conveyance of the freehold or an assignment of the lease, or

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.

- (v) 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.
- (vi) The Council may determine that the works are carried out in accordance with specific specifications.
- (vii) The contractual obligations relating to the commissioning and carrying out of works rests entirely between the Contractor and the Owner of the premises. The Council accepts no liability whatsoever for quality of workmanship.
- (viii) Where the applicant has a contribution towards the cost of eligible works, the works will not proceed until the applicant has paid such monies into a Council holding account.
- (ix) The Council will require the works to be carried out by one of the contractors who supplied estimates as part of the application, including any sub-contracted work. Only in exceptional cases, and with the prior written agreement of the Council, will alternative contractors be allowed to carry out some or all of the eligible works.
- (x) The applicant must provide reasonable access to the contractor for the purpose of carrying out the works, as per any written agreement made prior to the commencement of works. Failure to facilitate agreed access may result in a withdrawal of financial assistance and a demand for repayment of moneys owing to the contractor i.e. Any financial penalties suffered by the contractor, which arise from unreasonable actions of applicant, will be borne by the applicant
- (xi) Any financial assistance provided, in any form whatsoever, will be recorded as a local land charge.

- 4.3 The conditions in 4.2 above remain in force throughout the period of ownership on the person who provides the Certificate of Owner Occupation. Any breach of the above will allow the Council's Director of Development Services or the Environmental Health Manager to sanction a demand for repayment up to and including the original financial assistance award and may be the subject of a claim in the County Court. No allowance will be made for year on year inflationary factors.

In relation to 4.2 (v) and (vi) the Council may refuse to pay for works completed after the 12 months period, or for sub-standard works (as the case may be) where previous approval has been given.

- 4.4 In determining whether to demand repayment of financial assistance, full repayment of assistance will normally be required. In exceptional cases, however, the Director of Development Services or the Environmental Health Manager **may** have due regard to the following circumstances that may be relevant in any particular case: -

- 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 financial assistance was repaid.
- Employment – a disposal made to enable a relevant person to seek, or take up, employment or to change the place of his employment.
- Health and well being – a disposal made for reasons connected with the physical or mental health, or well being, of a relevant person i.e. to move into Residential Care as his only or main residence.
- 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.
- Disposal proceeds – a disposal of premises to which an application for assistance relates, where the proceeds of the disposal (after deduction of any relevant amount) are less than the amount of assistance, which a relevant person (apart from this consent) would be liable to repay. In this paragraph 'relevant amount' means:
  - (i) The amount of any expenses incurred by the relevant person in connection with the disposal;
  - (ii) The amount of any advance secured by a charge on the premises, taken out prior to the assistance, which has been repaid by the relevant person.

- Value of premises – a disposal where the value of the premises at the date of the disposal, after deducting the amount of assistance that has been paid, is less than the value of the premises at the date of the application for assistance.
- Disposal to local authority or RSL – a disposal made to the Council or a registered social landlord.
- 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.

## **CHAPTER 1: FINANCIAL ASSISTANCE PACKAGES**

### **APPENDIX C – CRIME AND DISORDER ACT 1998 SECTION 17 – CRIME PREVENTION MEASURES**

#### **1.0 Financial Information**

Financial assistance up to a maximum of £500 per property will be considered. In addition, the reasonable costs associated with emergency call out of relevant tradesmen will be considered.

#### **2.0 Eligibility Criteria**

2.1 To restrict eligible works to within the curtilage of the property and for the following purposes: -

- (i) Dealing with property damage (excluding graffiti removal) resulting from criminal activity; and /or
- (ii) Carrying out cost effective target hardening measures, upon the recommendation of a member of the Crime and Disorder Reduction Partnership (CDRP).

2.2 To restrict eligibility to an applicant, regardless of tenure, who lives in the dwelling as his or her only or main residence.

2.3 One or more of the following criteria are present:

- (i) The dwelling is situated within a Single Regeneration Budget area or other designated Council action area; or
- (ii) The applicant is an identified repeat victim of crime; or
- (iii) The applicant presents a heightened risk of personal or property crime. Without prejudice to the generality of (iii), this includes victims of domestic violence, participants in the witness protection scheme and race related crime; or
- (iv) The applicant is in receipt of one or more income related benefits and is residing in a Council Tax Band A or B dwelling.

#### **3.0 Eligible Works**

##### **3.1 Crime Prevention Measures**

Emergency works are restricted to those repairs necessary to alleviate repeat crime or fear of repeat crime, for example a joinery repair to a door frame that has been subject to forced entry.

Persons who have received emergency crime prevention works, or those for which a crime prevention assessment has been carried out, may be considered for a package of appropriate measures, as specified by the Crime Prevention Officer. These may include, but are not restricted to, the following measures:-

- (i) Good quality exterior grade final exit doors and frames.
- (ii) At least one 5 lever mortised 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 open-able ground floor and readily accessible first floor windows, including French windows.
- (vi) A basic intruder alarm system.

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

- (i) 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.
- (ii) 1 door viewer if appropriate.
- (iii) 1 door security catch if appropriate.
- (iv) 1 mortised 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 Financial assistance will not be paid for works already begun before receiving a formal Council approval, except in relation to emergency call out works.

4.2 The following conditions to financial assistance are imposed: -

- That the Council shall require payment of assistance direct to the Contractor, where satisfied that the works were completed to a satisfactory standard.
- That the payment of assistance 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.
- To require repayment of assistance where works are contained in a **relevant claim**. A relevant claim is either an insurance or legal claim

against another person in respect of damages to the premises, or a legal claim for damages in which the cost of the works to premises to which the assistance relates is part of the claim. Following investigations into the circumstances, applicants will be expected to pursue a relevant claim, if appropriate, at their earliest opportunity.

- To require the eligible works to be carried out within 4 weeks from the date of the approval of the works, or such longer period as may be agreed in writing by the Council.
- The Council may determine that the works are carried out in accordance with specific specifications.
- The contractual obligations relating to the commissioning and carrying out of works rests entirely between the Contractor and the Owner of the premises. The Council accepts no liability whatsoever for quality of workmanship.
- Where the applicant has a contribution towards the cost of eligible works, for instance where the works exceed the maximum amount or the applicant wishes to have additional works carried out by the contractor (at his expense), the works will not proceed until the applicant has paid such monies into a Council holding account.
- The Council will require the works to be carried out by one of the contractors who supplied estimates as part of the application, including any sub-contracted work. Only in exceptional cases, and with the prior written agreement of the Council, will alternative contractors be allowed to carry out some or all of the eligible works.
- The applicant must provide reasonable access to the contractor for the purpose of carrying out the works, as per any written agreement made prior to the commencement of works. Failure to facilitate agreed access may result in a withdrawal of financial assistance and a demand for repayment of moneys owing to the contractor i.e. Any financial penalties suffered by the contractor, which arise from unreasonable actions of applicant, will be borne by the applicant.

## **CHAPTER 1: FINANCIAL ASSISTANCE PACKAGES**

### **APPENDIX D – COSY, DURHAM ENERGY SAVERS AND OTHER ENERGY EFFICIENCY SCHEMES**

#### **1.0 Financial Information**

- 1.1 The resources available to deliver the Council's energy efficiency schemes in private sector housing are made up from various sources. Partnering arrangements ensure that maximum leverage is applied to the Council's contribution. It follows that all schemes represent good value for money.
- 1.2 The overall improvement in the energy efficiency of dwellings is reported through the Home Energy Efficiency Act 1995 (HECA) report on an annual basis, as part of the housing documents submitted to the Government Office North East. This improvement also takes into account private expenditure resulting from owners carrying out works to their properties, such as replacement heating / hot water systems, double glazing etc, although the extent of improvements are more difficult to track.
- 1.3 Current arrangements in place for energy efficiency schemes are likely to see the Council's HECA progress become aligned with the targets for the first time during 2005/06. This was discussed in depth at the Green Communities ARP Meeting held on 8<sup>th</sup> September 2004.
- 1.4 The maximum assistance available to residents from the Council's 2005/06 COSY Scheme is £450, in respect of insulation works. Any balance above this amount (e.g. in respect of large properties) is payable by the property owner. This represents the combined total for loft insulation and cavity wall insulation. Should a resident choose to only have one option fitted, the COSY Scheme cannot be accessed for a second time for additional insulation measures.
- 1.5 The maximum assistance available to residents from the Council's 2005/06 COSY Scheme is £1,000 in respect of emergency works for heating and / or hot water systems.
- 1.6 The Durham Energy Savers Scheme applies across all of the Durham County districts. This scheme offers cavity wall insulation for £99 and loft insulation for £130.
- 1.7 The Government Warm Front Scheme also operates within the District. The Council's active networks, which were set up resulting from the Affordable Warmth Strategy development, maximise take up of works from this Scheme. Where a vulnerable client qualifies for a package of measures from more than one scheme, advice is given on how to apply for the most appropriate package.

## **2.0 Eligibility Criteria**

- 2.1 The COSY Scheme is available to owner-occupiers of the District whose only or main residence is the property where grant is applied for **and** either:
- (i) Contain at least one person in the household over the age of 60 years; or
  - (ii) Contain at least one person in the household under the age of 5 years; or
  - (iii) Contain at least one person in the household who is in receipt of income related Council Tax Benefit (i.e. not just the 25% reduction for single persons).
- 2.2 The Durham Energy Savers Scheme is available to all private homeowners in the District.
- 2.3 The Government sets the eligibility criteria for inclusion in the Warm Front Scheme. Details of current eligibility are kept within the Sustainability Team of the Council's Environmental Health Department.

## **3.0 Eligible Works**

- 3.1 The COSY and Durham Energy Savers Schemes comprise a package of loft and cavity wall insulation measures, in respect of those properties that can be readily upgraded. Specialist contractors, who are registered via the Government Warm Front Scheme, carry out all works. The works are installed in accordance with National specification standards.
- 3.2 The COSY Scheme also allows for the provision of replacement heating and hot water systems in emergency situations. These are restricted to circumstances where there are either currently no provisions within the dwelling, or:
- (i) The heating and / or hot water appliance is seriously defective and not capable of being replaced at reasonable expense; and
  - (ii) The applicant qualifies for COSY by virtue of paragraph 2.1 above, but not for Warm Front.

The maximum grant allowed for the eligible works in paragraph 3.2 is £1,000.

- 3.3 The Government sets the eligible works for the Warm Front Scheme. Details of current eligible works are kept within the Sustainability Team of the Council's Environmental Health Department.

#### **4.0 Conditions**

- 4.1 The COSY Scheme can only be accessed once per property.
- 4.2 No grant will be paid for any works started before receiving formal approval.
- 4.3 Payment for the completion of works relating to the COSY and Durham Energy Savers Scheme is restricted to the Council being satisfied that the works have been carried out to such specification as may be specified. In addition, Registered Scheme Contractors must carry out the works.
- 4.4 No grant is repayable on disposal of the property.
- 4.5 Conditions relating to the Warm Front Scheme are set by Central Government.

## **CHAPTER 1: FINANCIAL ASSISTANCE PACKAGES**

### **APPENDIX E – EFFECTIVE MANAGEMENT OF THE ENQUIRY SYSTEMS**

#### **1.0 Introduction**

- 1.1 The effectiveness of any private sector grants policy is dependent upon the order in which enquiries are dealt with. Policies that target valuable resources to those most in need will not be fully realised if the initial enquiries are not effectively screened also. Traditionally, resources have been targeted on a 'first come first served' basis. In recent times, many authorities have started to use points based systems to fast-track priority cases. The current Council policy allows for this approach, and it is intended to build upon this concept with the latest review.

#### **2.0 The Enquiry Systems**

- 2.1 Ultimate priority is given to the administration of Mandatory Disabled 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:

- (i) 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 required, or
- (ii) The disabled person is hospitalised and works are required to the dwelling prior to his / her discharge.

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 Discretionary Repairs Assistance. These cases will automatically go onto the Private Sector Renewal Enquiry List.

- 2.2 A points based enquiry system exists for the Discretionary Repairs Assistance Enquiries. This takes into account:

- (i) The age of the property and property type;

- (ii) The location of the property in relation to any "Area Based" Council activity;
- (iii) The household structure (age, income, disability);
- (iv) House condition (fitness for habitation) and urgency; and
- (v) The length of time on the enquiry list.

2.3 The suggested weighting for each of the set criteria is as follows:

<b>Criteria</b>	<b>Points</b>
Inclusion in a designated Council regeneration area.	50
Time on Waiting List (for every 12 months)	20
Age of eldest adult in household:	
60 to 74 years	20
75 and over years	30
Income Based Benefits:	
Job Seekers Allowance	25
Disability Working Allowance	15
Working Families Tax Credit	20
Housing Benefit	20
Council Tax Benefit	10
Pensioner Tax Credit	20
Disabled Benefits:	
Disability Living Allowance	10
Property Defects:	
Bathroom Amenities	20
Kitchen Amenities	30
Hot Water	20
Heating	20
Main Roof Replacement	30
Major Structural Works	50
Rewire	20
Dampness Affecting Health	30
Other major Repair Works	20
Urgent Works To Prevent Imminent Danger	100
Problematic Empty Property (discretion of the EHM)	50
Property Age and Type	
Pre 1919	30
1919 to 1945	10
Terraced	20

## **CHAPTER 1: FINANCIAL ASSISTANCE PACKAGES**

### **APPENDIX F – CUSTOMER FEEDBACK**

#### **1.0 Introduction**

- 1.1 Feedback will be sought from recipients of all principal areas of Council work relating to private sector housing. This feedback will take various forms.
- 1.2 All staff will deal with customers in a thoroughly professional manner, within the Council's corporate Code of Conduct guidelines. These standards will also apply to others working directly on behalf of the Council (e.g. the HIA staff) and those working in an indirect capacity (e.g. contractors). A pre-requirement of this will be a Criminal Records Bureau (CRB) check for all persons who come into contact with vulnerable groups.
- 1.3 Compliments received, either about the service or individual members of staff, will be collated on a quarterly basis. Complaints will be handled on a case-by-case basis, within the Council's adopted Complaints Policy. Complaints about the HIA (or its staff), if found not to be frivolous, vexatious or trivial, will also be reported to the multi-agency HIA Steering Committee. Complaints about HIA contractors will be dealt with through the HIA protocols for inclusion / exclusion of contractors from the Approved List.
- 1.4 All applicants for the various forms of available financial assistance will be asked to complete a customer feedback questionnaire upon completion of the relevant works. All information will be used only for performance monitoring purposes, and any details that could identify individuals will be treated in the strictest of confidence. The content of each questionnaire will be necessarily tailored to suit the type of financial assistance applied for. This allows for the slight variations in the various application processes (e.g. the liaison with the Social Services Occupational Therapy Section is a crucial step in the DFG application process, but is not required for other forms of assistance). The performance monitoring information will be reported to Members on a quarterly basis, together with recommendations for service improvements, following evaluation of customer suggestions. Examples of questionnaires for DFG and Discretionary Repairs Assistance are tabled for Members information. Similar questionnaires will be developed for other forms of assistance (e.g. Area Based Renewal Assistance), when required.

## **CHAPTER 1: FINANCIAL ASSISTANCE PACKAGES**

### **APPENDIX G: PRIVATE SECTOR HOUSING BUDGET MANAGEMENT**

#### **1.0 Introduction**

- 1.1 It is recognised that a proportion of committed expenditure does not progress to the payment stage (committed expenditure means those applicants that have received formal approvals for financial assistance packages). This can occur for a variety of reasons, including: -
- (i) The applicant may no longer want the works carried out;
  - (ii) The applicant may make a relevant disposal of the property before works are carried out; or
  - (iii) The applicant may not want to be bound by the conditions to assistance.
- 1.2 In addition, it is also known that a proportion of approved works will not be carried out before the end of the financial year in which they were approved. For example, an approval made during March would be unlikely to reach the payment stage before the start of the next financial year. (Applicants have 12 months from the date of approval in which to carry out the works, or 4 weeks for Crime Prevention Measures).
- 1.3 Operational fluctuations can occur from time to time for the reasons explained in 1.1 and 1.2 above.

#### **2.0 Private Sector Housing Budget Control Policy**

- 2.1 Expenditure committed, but not spent, in any financial year will be rolled forward to the next year. In respect of any individual package of assistance, applicants will still only have the same time period in which to carry out the works. For example, an approval issued on 1 October must be completed by the following 30 September at the latest.
- 2.2 The Director of Development Services and the Environmental Health Manager are given delegated powers to carry out virements between the various private sector housing budgets to maximise out-turn performance. This power is subject to the overall expenditure in any particular year being contained within the combined private sector housing budgets, and following any advice that may be issued by the Director of Resources.

## **CHAPTER 1: FINANCIAL ASSISTANCE PACKAGES**

### **APPENDIX H: THE PROVISION OF PROFESSIONAL, TECHNICAL AND ADMINISTRATIVE SERVICES FOR APPLICANTS**

#### **1.0 Introduction**

- 1.1 The Local Government and Housing Act 1989 Section 169 (as amended) allows the authority to levy a fee in respect of the provision of professional, technical and administrative services (herein referred to as "Agency Services"). These services are in addition to the authority's statutory duty to determine valid applications for financial assistance.
- 1.2 Government recognises the importance of providing assistance to potential grant applicants, particularly those most vulnerable client groups, who would otherwise find it difficult to submit their own valid grant application. Agency Services can be provided either by the authority's own staff or, more likely, through a partnership with a Home Improvement Agency (HIA).
- 1.3 Members approved the creation of the Durham City and Chester-le-Street Home Improvement Agency in April 2005. The following sections explain the relationship between the client services provided by the Council directly and those delivered through the HIA.

#### **2.0 Prescribed Services and Charges**

- 2.1 The range of services and charges, which are eligible for consideration as ancillary costs, are far reaching. The exact nature and scope is given in the Housing Renewal Grant (Services and Charges) Order 1996 SI No. 2889 (as amended), which is given below: -
- (i) Confirmation, if sought by the local authority, that the applicant has an owner's interest;
  - (ii) Technical and structural surveys;
  - (iii) Design and preparation of plans and drawings;
  - (iv) Preparation of schedules of relevant works;
  - (v) Assistance in completing forms;
  - (vi) Advice on financing the costs of the relevant works which are not met by grant;
  - (vii) Applications for building regulations approval (including application fee and preparation of related documents);

- (viii) Applications for planning permission (including application fee and preparation of related documents);
  - (ix) Applications for listed building and conservation area consents (including application fee and preparation of related documents);
  - (x) Obtaining of estimates;
  - (xi) Advice on contracts;
  - (xii) Supervision of the relevant works;
  - (xiii) Disconnection and reconnection of electricity, gas, water or drainage utilities where this is necessitated by the relevant works;
  - (xiv) Payment of contractors; and
  - (xv) Party wall permissions.
- 2.2 In a case where the application is for disabled facilities grant, the services and charges of an occupational therapist in relation to the relevant works are also specified for those purposes. This, however, does not include the costs of occupational therapist acting on behalf of the Social Services authority in the discharge of their responsibilities under Section 24(3)(a) of the 1996 Act (or any other enactment).

### **3.0 Services and Charges**

The following charges in respect of services to grant applicants' are chargeable: -

#### **3.1 Services and charges at fixed rate (if appropriate)**

The actual reasonable cost in respect of: -

- (i) Obtaining plans and drawings
- (ii) Building Regulation, Planning, Party Wall etc fees
- (iii) Listed building and Conservation area consents
- (iv) Disconnection and reconnection charges for electricity, gas, water or drainage utilities.
- (v) Obtaining specialist survey reports e.g. structural engineers, electrical, gas, timber infestation, damp proofing etc.,

### 3.2 Services and charges at variable rate (if appropriate)

3.2.1 The Council will retain responsibility for carrying out the technical property survey and preparation of schedules of work for which financial assistance may be considered. These will be carried out when the potential applicant reaches the top of the appropriate enquiry list, and where sufficient budget provision has been made in the financial year. The fee for this will be equal to [4% + VAT] of the cost of the eligible works. By managing the workflow to the HIA in this manner, this will ensure that effective budget control can be maintained.

3.2.2 The remaining assistance provided to clients will be carried out by the HIA, for an appropriate fee linked to the cost of the eligible works, authorised by the Environmental Health Manager. The package of assistance may include any of the following: -

- (i) Confirmation that the applicant has an owners interest;
- (ii) Liaison with relevant experts to provide specialist reports, plans or drawings;
- (iii) Assistance in completing the necessary forms required to submit a valid application for financial assistance (by means of a home based service wherever possible);
- (iv) Liaison required in respect of obtaining necessary permissions (Building Regulations, Planning, Conservation area, Party Wall and Listed Building);
- (v) Liaison with the electricity, gas, water and drainage utilities;
- (vi) Obtaining of estimates;
- (vii) Consideration of tenders;
- (viii) Supervision of the relevant works; and
- (ix) Payment of contractors.

3.3 The Director of Development Services or the Environmental Health Manager shall be authorised to waiver part or the entire fee charged in respect of cases where: -

- (i) A client is not provided with all relevant services; or
- (i) A client may not receive his / her full entitlement if a full fee was levied (for example for works approaching the maximum financial assistance award).

NB. The client is not required to pay for fees himself/herself unless, without reasonable cause, he/she decides not to pursue his/her enquiry at a later stage. In these circumstances, the Director of Development Services or the Environmental Health Manager shall be authorised to levy a reasonable fee in respect of those services that have already been provided to the client.

#### **4.0 Client Groups for which services and charges should be made**

- 4.1 The various fixed rate charges in 3.1 above apply to all types of financial assistance and all applicants (i.e. owner / occupier, qualifying tenant).
- 4.2 It is recognised that HIA services should be targeted towards the following recipient client groups:
- (i) Mandatory disabled facilities grants.
  - (ii) Discretionary financial assistance to owner / occupiers and qualifying tenants.
  - (iii) Area Renewal Assistance.

## **CHAPTER 1: FINANCIAL ASSISTANCE PACKAGES**

### **APPENDIX I: PRIVATE SECTOR HOUSING NOT SERVED BY THE PUBLIC UTILITIES**

#### **1.0 Introduction**

The remote nature of certain parts of the Council's district means that a small number of privately owned dwellings may not be connected to the various public utilities, namely mains water, mains electricity or gas, or public sewerage system. In certain cases this can occur as a result of a preference, for example, for a private drinking water supply rather than a chlorinated public 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 Housing Implications**

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

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. The Environmental Health Department is unaware of any properties served only by private water supplies or electricity generators; however section 3 contains provisions to allow for such cases, should the need arise.

- 2.2 In all cases, the decision to issue financial assistance 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 to 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 housing budget.

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

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

##### **3.1 Power Supply**

The satisfactory provision of separate lighting and power circuits, including 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.

### 3.2 Water Supply

The satisfactory provision of internal cold water supply pipe work to the dwelling, including connection to the kitchen sink, the indirect supply via a header tank to serve the bathroom facilities and the wet heating and / or hot water system to the dwelling.

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 owner is responsible for connection to the public water supply.

### 3.3 Drainage

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 that are not connected to the dwelling.

The provision of below ground drainage facilities up to a maximum of 30 metres of pipe work, 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.

## **CHAPTER 1: FINANCIAL ASSISTANCE PACKAGES**

### **APPENDIX J: POLICY FOR THE AWARD OF PRIVATE SECTOR HOUSING ASSISTANCE: GUIDANCE FOR POTENTIAL APPLICANTS**

#### **1.0 Introduction**

- 1.1 The introduction of new legislation, coupled with increasing financial constraints, has led the Council to review its private sector housing policies and to target expenditure to those persons most in need of assistance. The Council cannot overspend its overall budget allocation and this may impact upon certain grant types depending upon fluctuations in demand from time to time.

Whilst the Council recognises the importance of providing financial assistance, the primary responsibility for carrying out repairs and improvements to properties rests with the owner.

The Council's current private sector housing budget is insufficient to deal with the number of enquiries received. It follows that you may therefore experience a considerable delay before your enquiry is dealt with. You should also be aware that if you carry out any works prior to receiving a formal decision, you might affect any future entitlement to assistance. You will therefore need to have regard to urgent works, such as leaking roofs or dangerous electrical wiring, and decide if they can either be delayed or repaired whilst you are in the enquiry queue.

Full copies of the Council's policies are available on request and kept on the Council's website; however summaries of the main types of financial assistance and eligibility criteria are explained below: -

#### **2.0 Discretionary Repairs Assistance (owner-occupiers and qualifying tenants)**

- 2.1 Available only for dwellings which are unfit for human habitation. This means dwellings that fail certain criteria and are unsuitable for occupation as a result of these defects. A few examples of defects, which could result in a dwelling being classed as unfit, are:

- Serious disrepair, such as dangerous electric wiring, severe timber infestations, extensively cracked or unkeyed plasterwork, badly rotted doors and windows etc.
- Instability which is on-going, such as bulged or twisted chimney-stacks, cavity wall tie failure and settlement of main house walls.
- Dampness affecting the health of the occupants, such as rising dampness or extensive penetrating dampness through leaking roofs, gutters etc.

- Inadequate kitchen or bathroom facilities.
- Inadequate means for heating, lighting, ventilation or drainage.
- An unwholesome drinking water supply.

2.2 As well as works required remedying unfitness; the Council may also consider a package of energy efficiency, crime and home safety measures.

2.3 Financial assistance is restricted to applicants who have lived in the dwelling as their only or main residence throughout the three-year period leading up to the date of application. The Council may, however, waive this restriction in respect of properties situated in declared Action Areas, which have remained vacant for at least the twelve-month period leading up to the date of application. This would apply where the applicant is not an owner-occupier of another dwelling, or in respect of first time buyers.

2.4 Entitlement is subject to a test of resources being carried out (a means test) and is restricted to a maximum of £12,000.

### **3.0 Energy Efficiency Assistance**

3.1 Three main schemes are currently in operation within the District: COSY, Durham Energy Savers and Warm Front.

### **4.0 Disabled Facilities Grant (DFGs)**

4.1 Available for works which are necessary and appropriate to meet the needs of the disabled occupant, where supported by a referral from an Occupational Therapist employed by the Social Services Department.

4.2 Grant entitlement is subject to a statutory test of resources being carried out (a means test).

4.3 Grant is restricted to a maximum of £30,000, minus any means tested contribution, although the Council may consider additional grant above this limit in exceptional cases. Grants will not be considered for discretionary items that are not considered necessary and appropriate (e.g. workrooms etc.).

The Council may also consider a package of repairs, energy efficiency, crime and home safety measures (via Discretionary Repairs Assistance) in addition to disabled facilities grant (see 2.0).

### **5.0 Crime Prevention Measures**

5.1 Some assistance may be available to victims of criminal activity where their property has been damaged. Also the Council may consider

providing cost effective security upgrades, such as window / door lock and security lighting, in a limited set of circumstances.

## **6.0 General**

6.1 Applicants who submit valid applications for financial assistance that fall outside of the Council adopted policies will be informed in writing of the reason(s) why their application has been refused. Persons aggrieved by such a decision can exercise their rights to appeal to the Council's Executive. All decisions made by the Executive are final.

6.2 The conditions applicable to the various types of financial assistance are available separately on request.

6.3 Enquiries will be initially screened and sorted according to priority need.

## **7.0 Information**

7.1 If you require any further information regarding the above items, please contact:

The Private Sector Housing Team, Environmental Health Department, Civic Centre, Newcastle Road, Chester-le-Street, County Durham DH3 3UT. Tel: (0191) 3872199 email: [envirohealth@chester-le-street.gov.uk](mailto:envirohealth@chester-le-street.gov.uk) or visit the Council's website at [www.chester-le-street.gov.uk](http://www.chester-le-street.gov.uk)

## **CHAPTER 1: FINANCIAL ASSISTANCE PACKAGES**

### **APPENDIX K: THE USE OF LOANS, EQUITY RELEASE AND OTHER MEASURES**

#### **1.0 Introduction**

- 1.1 The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 ('the Order') provides for a wide range of options available for local authorities to consider, other than grants, to assist with private sector housing renewal. Clearly, issuing loans, rather than grants, could be seen as an attractive use of public resources, as it allows for the 'recycling' of funds. **The important over-riding consideration imposed by the Order is that the authority must have regard to the person's ability to afford to make a contribution or repayment.** If no such assurances were forthcoming, then assistance by some other means (e.g. a grant) would need to be considered.
- 1.2 The principal categories of loan products that could be made available are:
- (i) **Interest bearing repayment loans** – these are conventional loans either secured or unsecured with interest charged either at the current market rate or other such preferential rate.
  - (ii) **Interest only loans** – these are conventional loans, usually secured against the value of an asset where the borrower only pays the interest charge on the amount borrowed in regular instalments. The capital is repaid usually on the sale of the asset.
  - (iii) **Zero-interest loans** – these are conventional loans registered as a charge against the value of an asset on which no interest is levied. The capital is repaid usually on the sale of the asset. This type of loan may be best suited to those unable to make regular loan repayments, but who have substantial remaining equity in their home.
- 1.3 In addition to loans, the Council may wish to support giving assistance in the form of mortgage indemnities, under article 3 of the Order, to ensure that a person or body lending for the purpose of improvement of a home, will not be out of pocket if the borrower defaults on the loan. This is becoming an increasingly popular alternative to moving to a more suitable home, by carrying out improvements to the existing home e.g. through extensions, loft conversions, garage conversions etc. These are typically financed through a lending institution on the basis of releasing stored up equity.

Notwithstanding this, the Council will wish to carefully consider the nature and extent of any assistance given towards mortgage indemnity schemes, as in the majority of cases, the applicant will be expected to carry out such improvements without the need for Council assistance. Suggested protocols are contained in paragraph 2.2 of this appendix.

## 2.0 Recommended Policies

### 2.1 Zero Interest Loans

The rationale for zero-interest loans was used in developing discretionary repairs assistance packages (Chapter 1 Appendix B of this report refers), in terms of the conditions attached to the award of assistance. In this respect, discretionary repairs assistance is differentiated from a 'grant' in that the amount of assistance awarded is recovered upon sale of the asset whenever that occurs (grant repayments are typically waived after the elapse of the grant condition period, usually 5 years). For illustrative purposes, it follows that an award of say £10,000 will incur a £10,000 repayment upon disposal in year 1, 5, 20 or whenever the asset is sold. When inflationary factors are taken into account, it is in the best interests of the applicant to retain ownership for as long as possible, as the amount to be repaid will decrease in real terms year on year. This will contribute towards delivering the sustainable communities objectives.

The recommendations in respect of 2.1 are to confirm the conditions attached to discretionary repairs assistance in Chapter 1 Appendix B of this policy.

### 2.2 Mortgage Indemnity Schemes

#### Eligibility Criteria

- 2.2.1 To limit mortgage indemnity financial assistance to a maximum of £500 in respect of any **'qualifying property'** and paid upon completion of the works.

In this part, a 'qualifying property' means one which has been rated for Council Tax purposes as a dwelling for at least the previous 10 year period leading up to the date of application, and or more of the following circumstances apply:

- (i) The property, prior to the works being carried out, falls in either Council Tax Band A or B.
- (ii) The property is situated within a designated Council action area.

- 2.2.2 To restrict assistance to persons who reside in, or propose to reside in, the property as his / her only or main residence upon completion of the works.

- 2.2.3 To restrict applications to mortgage advances for home improvements. Without prejudice to the generality of the term 'home improvements', this means any extension of the dwelling to provide additional living space or amenities; replacement or repairs to the fabric of the dwelling; conversion of non-habitable spaces (e.g. garages) into living or amenity spaces; and sun rooms (but not conservatories). Where the mortgage advance incorporates a mixture of the aforementioned works and other items (e.g. holidays, cars etc) the maximum amount of assistance will be reduced on a pro-rata basis of the home improvement element compared to the total advance.
- 2.2.4 To require the applicant to provide documentary evidence from his / her lending institution regarding the purpose(s) of the mortgage advance.

#### Conditions

- 2.2.5 No financial assistance will be given for any works already begun before approval.
- 2.2.6 The Council accepts no liability whatsoever for commissioning and carrying out the works.
- 2.2.7 The works must be complete within 12 months from the date of approval.
- 2.2.8 The payment of assistance is conditional upon the Council being provided with an acceptable demand, receipt or invoice for payment of the works.
- 2.2.9 The Council may require payment direct to the lending institution.
- 2.2.10 The Council may determine that the works are carried out in accordance with specific specifications.

### **3.0 Revision of Loan and Equity Release Policies**

- 3.1 The creation of the Durham City and Chester-le-Street Home Improvement Agency has opened up new opportunities for the Council to explore with the Three Rivers Housing Group, either with or without the involvement of the other Housing Authorities who use the same HIA provider. This will be considered once the core HIA activity areas have been allowed the opportunity to be consolidated.
- 3.2 Alternatively, the release of more attractive products, either led by Government policy or commercial lender, will be monitored and a further report brought before Members if appropriate.

## **CHAPTER 2: PRIORITISATION, ENFORCEMENT AND SERVICE STANDARDS**

### **APPENDIX A – SETTING PRIORITISATIONS**

#### **1.0 Introduction**

- 1.1 Housing renewal policies need to be carefully integrated with the wider regeneration agenda. The housing market is inextricably linked to the overall economic future of an area, and individual solutions to sub-areas of the district may therefore prove to be different depending upon local relevant factors.
- 1.2 The most obvious way in which the Council can set priorities is through the budget process. It follows that decisions are required on at least an annual basis to confirm where the various uses of capital resources are to be targeted, and the subsequent staff time associated with administering the capital schemes. These areas are:
- (i) Mandatory Disabled Facilities Grants (DFG) – Chapter 1 Appendix A refers.
  - (ii) Discretionary Repairs Assistance – Chapter 1 Appendix B refers.
  - (iii) Crime Prevention Measures – Chapter 1 Appendix C refers.
  - (iv) COSY, Durham Energy Savers and other energy efficiency schemes – Chapter 1 Appendix D refers.
  - (v) The use of loans, equity release and other measures – Chapter 1 Appendix K refers.
  - (vi) Relocation Assistance – Chapter 3 Appendix A refers.
  - (vii) Area Renewal Assistance – Chapter 3 Appendix B refers.
- 1.3 In setting these priorities Members will be conscious that each capital scheme has beneficial effects on the community; however the relative consequences of each scheme need to be considered. The following factors are considered appropriate to set priorities:
- (i) Whether the function is statutory or discretionary.
  - (ii) The amount of leverage brought about by the Council funding.
  - (iii) The impact upon the Council's core aims and objectives.

- (iv) The effect upon any partner organisations in delivery of their aims and objectives e.g. Supporting People, health inequalities, educational attainment etc.
- (v) The impact upon area based initiatives for the Council.

1.4 In terms of the relevance of each function to the factors identified in 1.3 above, a scoring mechanism of 1 – 5 is used for each factor. A score of 1 means no (or insignificant) relevance and 5 represents a very strong relevance. For instance, DFG administration is clearly a statutory function and the Council is legally bound to deal with applications made under the governing legislation. This would score 5 on the scale. By comparison discretionary repairs assistance, whilst not directly linked to a statutory function, represents a major factor in tackling unfit housing conditions, which is a statutory function. This would therefore score 3 on the scale.

## 2.0 Recommended Priority Rating

2.1 The following table represents the mechanism to be applied in setting private sector housing renewal priorities:

<b>Scheme Description</b>	<b>Statutory Service</b>	<b>Leverage</b>	<b>Core Aims &amp; Objectives</b>	<b>Effect upon Partners</b>	<b>Area Impact</b>	<b>Total</b>
Disabled Facility Grants	5	2	4	5	1	<b>17</b>
Discretionary Repairs Assistance	3	2	4	4	3	<b>16</b>
Crime Prevention Measures	2	3	3	4	3	<b>15</b>
COSY, Durham Energy Savers etc	2	5	3	4	2	<b>16</b>
Loans, Equity Release Schemes	2	5	3	1	2	<b>13</b>
Relocation Assistance	3	2	3	3	5	<b>16</b>
Area Renewal Assistance	3	3	3	3	5	<b>17</b>

## **CHAPTER 2: PRIORITISATION, ENFORCEMENT AND SERVICE STANDARDS**

### **APPENDIX B – ENFORCEMENT**

#### **1.0 Introduction**

- 1.1 The enforcement protocols relating to the private sector housing functions fall within the same scope as those applied to the remainder of the Environmental Health Service adopted Enforcement Policy (6 June 2005 refers). To summarise, the Departmental Mission Statement states:

*'The Environmental Health Department recognises its statutory duties for promoting, protecting and enhancing the health, safety, welfare and overall well being of those who live in, work in or visit the Chester-le-Street district. The section also supports the promotion and maintenance of fair trading practices by the application of its enforcement responsibilities allocated by legislation.'*

- 1.2 This policy gives overall guidelines when deciding upon the most appropriate course of action to take in relation to a specific case. Action resulting from Council involvement can range from:

- (i) No action.
- (ii) Informal action (verbal or letter).
- (iii) Issue of statutory notice.
- (iv) Issue of formal caution.
- (v) Prosecution.

Any enforcement taken within the Council's private sector housing remit will have regard to the policy in paragraph 1.1 above.

- 1.3 The nature and scope of action applies to all forms of housing. In addition to the Housing Acts, related public health powers can be used and include:

- (i) Investigating complaints from private sector tenants and securing repairs and improvements on their behalf. This may be in relation to single household properties or houses in multiple occupation.
- (ii) Formal declaration of area priorities, such as renewal areas and clearance areas, including any action resulting from the declaration.

- (iii) The service of statutory notices on owner – occupiers to remedy unsatisfactory housing conditions.
- (iv) The use of compulsory purchase powers.
- (v) The use of Empty Property Management Orders.
- (vi) Dealing with statutory nuisances, filthy and verminous premises, accumulations of rubbish, securing unoccupied premises where they are open to access or present public health risks, drainage defects, tackling public health pest infestations and dangerous structures.
- (vii) License determinations in relation to certain types of houses in multiple occupation and other privately rented properties.

## **CHAPTER 2: PRIORITISATION, ENFORCEMENT AND SERVICE STANDARDS**

### **APPENDIX C – SERVICE STANDARDS**

#### **1.0 Introduction**

1.1 For the purposes of this report, service standards are broken down into:

- (i) Requests for service from private sector tenants regarding housing related disrepair.
- (ii) Requests for service regarding public health related issues affecting dwellings.
- (iii) Requests for service regarding pest infestations of public health significance.
- (iv) Enquiries for grants and financial assistance packages.
- (v) Requests for service regarding domestic noise complaints.
- (vi) Service standards and complaints regarding the operation of the Home Improvement Agency.

#### **2.0 Standards**

##### **2.1 Housing Related Disrepair Requests For Service**

All requests for service will receive an initial response within 5 working days from the receipt of information. This would generally comprise a visit to the property by the investigating officer to ascertain the facts surrounding the case and whether informal or statutory is appropriate.

Where statutory action is appropriate, either immediately or after a negotiation period has failed to provide a remedy, the service of appropriate enforcement notices should be instigated within 20 working days.

##### **2.2 Public Health Related Issues Affecting Dwellings**

Designated emergency situations will be responded to within 1 working day. These include, but are not restricted to:

- (i) Structures in such a condition that they pose an imminent risk to public safety.
- (ii) Unoccupied buildings where they are open to access and pose an imminent danger to public health. Such situations may be

brought to the attention of the Department via the Police or Fire and Rescue Service.

All other public health related requests for service will be responded to as paragraph 2.1 above.

### 2.3 Pest Control Requests for Service

Designated emergency situations will be responded to within 1 working day. These include rats and mice where they are trapped alive inside a dwelling.

Requests for service regarding public health pests will be visited within 5 working days from the receipt of information. These are rodents (rats, mice) and insect pests capable of spreading disease (fleas, bedbugs, cockroaches etc).

Requests for service regarding nuisance pest will be visited within 10 working days from the receipt of information. These are pest that are not primarily responsible for spreading disease, but can cause significant nuisance if left untreated. These include bees, wasps, hornets, beetles, weevils, firebrats, and springtails.

### 2.4 Enquiries for Grants and Other Financial assistance Packages

All routine enquiries for grants and other financial assistance packages will be acknowledged within 10 working days and, if appropriate, placed within the enquiry system.

Designated emergency situations will be responded to within 1 working day. These are:

- (i) Crime prevention referrals from a member of the Crime and Disorder Reduction Partnership (CDRP), where related to the sending out of an emergency tradesman to rectify property damage resulting from crime.
- (ii) Disabled facilities grant applications, where the disabled person is currently in hospital, and is being prevented from discharge until works are carried out to his or her main residence.

### 2.5 Domestic Noise Requests for Service

All requests for service will be acknowledged within 3 working days. This acknowledgement will comprise a letter to the complainant, together with a nuisance recording form and instructions on how to complete it. A letter will also be sent to the alleged cause of the nuisance, with details of the complainant removed.

Upon receipt of a completed nuisance recording form, an initial action will be made within 5 working days. This action would generally comprise a visit to the property by the investigating officer to ascertain the facts surrounding the case and whether informal or statutory is appropriate.

Where statutory action is appropriate, either immediately or after a negotiation period has failed to provide a remedy, the service of appropriate enforcement notices should be instigated within 20 working days.

## 2.6 Home Improvement Agency Standards

The Durham City and Chester-le-Street Home Improvement Agency (HIA) tender document 2005 contains detailed service standards for the operation of services. This document is tabled for Members information.

In addition, HIA operations are governed by a National Quality Assessment Framework, which is overseen by Foundations on behalf of the Government. Compliance with this standard, to at least level C, is crucial to allow for the drawing down of Government funding.

Complaints regarding HIA services will initially be dealt with by the HIA Steering Group. Serious or repeated infringements of standards will be reported to Members.

## **CHAPTER 3: AREA BASED ACTIVITY**

### **APPENDIX A – RELOCATION ASSISTANCE**

#### **1.0 Financial Information**

- 1.1 To restrict financial assistance payable to a maximum of £25,000. Financial Assistance must not exceed the cost of acquisition of a qualifying dwelling minus compensation and home loss payments.

#### **2.0 Eligibility Criteria**

- 2.1 To restrict financial assistance payable to a **"qualifying person"** for the purpose of enabling them to acquire an **"owner's interest"** in a **"qualifying dwelling"**.

**"Qualifying person,"** means a person whom: -

Has an interest in a property (known as the "original dwelling" by which has been, or is to be, acquired by the Council 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

The original dwelling was his/her only or 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.

(\*As amended, upon Commencement Order, by the Housing Act 2004.)

**"Owners interest"** in relation to any premises, means: -

An estate in fee absolute in possession, or

A term of years absolute of which not less than five years remain unexpired at the date of the 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 Chester-le-Street District Council: -

- 2.2 To reduce grant entitlement in accordance with the same financial test of resources as that applicable to Disabled Facilities Grants.
- 2.3 A certificate confirming that the applicant proposes to acquire an owner's interest in the qualifying dwelling must accompany the application. Also that he / she, or a member of his / her family, intends to live in that dwelling as his / her (or that person's) 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: -

The qualifying dwelling must be of a size and type, which is not less suitable than that of the original dwelling.

The qualifying dwelling must not 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 the age of 10 years on the date of application for grant.

(\*As amended, upon Commencement Order, by the Housing Act 2004.)

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 Chapter 1 Appendix A).

The qualifying dwelling, if outside of a declared Council Action 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.

(\*As amended, upon Commencement Order, by the Housing Act 2004.)

The qualifying dwelling, if inside of a declared Council Action Area, must be either:-

Fit for human habitation by virtue of Section 604 of the Housing Act 1985\*, or

Unfit for human habitation by virtue of Section 604 of the Housing Act 1985\* **and** the most satisfactory course of action for dealing with the

condition of the dwelling is by renovation. Where this applies, discretionary repairs assistance may be considered, subject to certain criteria (see Chapter 1 Appendix B). In addition, the prior qualification period for such assistance is waived.

(\*As amended, upon Commencement Order, by the Housing Act 2004.)

### **3.0 Eligible Assistance**

- 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: -

The actual cost (including reasonable incidental expenses) of acquiring the dwelling; and

The amount that the Council considered to be the reasonable cost (including such expenses) of acquiring a comparable dwelling in the Chester-le-Street district, having regard to any advice which may be sought from the District Valuation Office.

### **4.0 Conditions**

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

- 4.2 The following conditions to financial assistance are imposed: -

(i) That the payment of assistance is conditional upon the Council being provided with an acceptable demand, receipt or invoice for payment for any preliminary or ancillary services or charges.

(ii) To require repayment of assistance where the owner makes a **relevant disposal** of the premises. A relevant disposal means:

A conveyance of the freehold or an assignment of the lease, or

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.

- (iii) To require the applicant to complete his / her acquisition within 12 months from the date of the application, or such longer period as may be agreed in writing by the Council.
- (iv) Any financial assistance provided, in any form whatsoever, will be recorded as a local land charge.

4.3 The conditions in 4.2 above remain in force throughout the period of ownership on the person who provides the Certificate of Owner Occupation. Any breach of the above will allow the Council's Director of Development Services or the Environmental Health Manager to sanction a demand for repayment up to and including the original financial assistance award and may be the subject of a claim in the County Court. No allowance will be made for year on year inflationary factors.

4.4 In determining whether to demand repayment of financial assistance, full repayment of assistance will normally be required. In exceptional cases, however, the Director of Development Services or the Environmental Health Manager **may** have due regard to the following circumstances that may be relevant in any particular case: -

- 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 financial assistance was repaid.
- Employment – a disposal made to enable a relevant person to seek, or take up, employment or to change the place of his employment.
- Health and well being – a disposal made for reasons connected with the physical or mental health, or well being, of a relevant person i.e. to move into Residential Care as his only or main residence.
- 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.
- Disposal proceeds – a disposal of premises to which an application for assistance relates, where the proceeds of the disposal (after deduction of any relevant amount) are less than the amount of assistance, which a relevant person (apart from this consent) would be liable to repay. In this paragraph 'relevant amount' means:
  - (i) The amount of any expenses incurred by the relevant person in connection with the disposal;

- (ii) The amount of any advance secured by a charge on the premises, taken out prior to the assistance, which has been repaid by the relevant person.
- Value of premises – a disposal where the value of the premises at the date of the disposal, after deducting the amount of assistance that has been paid, is less than the value of the premises at the date of the application for assistance.
- Disposal to local authority or RSL – a disposal made to the Council or a registered social landlord.
- 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.

## **CHAPTER 3: AREA BASED ACTIVITY**

### **APPENDIX B – AREA RENEWAL ASSISTANCE**

#### **1.0 Financial Information**

- 1.1 To restrict the eligible works to a maximum of £12,000 (inclusive of ancillary costs) for 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.

#### **2.0 Eligibility Criteria**

- 2.1 To restrict schemes to those buildings contained within either a declared Renewal Area or area designated by the Council for 'priority area based renewal.'
- 2.2 To restrict schemes to those which comply with the Council's general approval criteria, that is to say:
  - (iv) The scheme relates to four or more houses.
  - (v) At least 60% of the houses to which the scheme relates are affected by a lack of reasonable repair or structural instability.
  - (vi) That the scheme does not predominately relate to flats.
  - (vii) 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.
- 2.2 That, having taken into account the following matters, the Director of Development Services or Environmental Health Manager is satisfied that Area Renewal Assistance is the most satisfactory course of action for remedying the lack of reasonable repair or structural instability:
  - (i) The cost of the scheme works;

- (ii) The estimated cost of any other works (excluding maintenance) that may be required to the buildings which comprise or contain the houses to which the scheme relates;
- (iii) 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 repair or structural instability; and
- (iv) The benefits reasonably foreseeable (including enhancement of the market value of these buildings after the completion of works), of Area Renewal Assistance and such alternative courses of action as may be identified for the purposes of paragraph (iii).

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) or a certificate of intended letting (if they intend to let it for that period).

**"Unassisted participant"** means one of the following persons:

- (i) He / she is a local authority, health authority, police authority, housing action trust or a social landlord registered with the Housing Corporation;
- (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 (i.e. tying in works).

- 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 the rules applicable to Disabled Facilities Grants (see Chapter 1: Appendix A).
  - (ii) Applications incorporating a certificate of intended letting will be set at a rate of 25%.

Subject to a **maximum** contribution, in (i) above, of 25% of the full cost attributable to works on the applicant's property. In addition, in relation to owner-occupier applications, regard must be taken of any statutory contributions made in respect of other financial assistance applications. All applicants are responsible for paying for all works in excess of the maximum £12,000 payable by the Council.

- 2.5 Once scheme costs have been agreed with the participants, they become binding. Cost increases not accounted for in the contingency fees after scheme approvals are payable by the Council, 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 Council 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 Area Renewal Assistance are identified below: -
- (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.
  - (iii) To carry out essential repairs to the interior of a dwelling, provided that interior repairs do not exceed 10% of the cost of eligible works to that dwelling. Essential repairs mean those that are necessary within the next 12 months and present a risk to the health and safety of the occupant(s).

- 3.2 For the purposes 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, external pipe work and damp proof courses to external brickwork; 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. In all cases, preference shall be given to works to the actual building fabric.
- 3.3 Reference to reasonable external 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. The Director of Development Services or the Environmental Health Manager can accept a time period of less than 30 years for one or more items on the list of eligible works, provided that he is satisfied that the scheme objectives will not be compromised. In the latter cases, the consent of the owner shall be obtained.
  - (ii) Those works necessary to prevent further building movement, as may be specified by a Structural Engineer or Chartered Surveyor.
  - (iii) Works necessary to remedy rising or penetrating dampness affecting the exterior walls of rooms within the main dwelling.

#### 4. **Conditions**

- 4.1 The following conditions apply to assisted participants in relation to Area Renewal Assistance:
- (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 for 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 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 2.4 (i) or (ii) 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.
- 4.2 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.
- 4.3 The conditions in 4.1 shall cease to be in force, if at any time while a condition of participation remains in force, the Council receives payment of the balance of cost.
- 4.4 In determining whether to demand repayment of financial assistance, full repayment of financial assistance will normally be required. In exceptional cases, however, the Director of Development Services or the Environmental Health Manager **may** have due regard to the following circumstances that may be relevant in any particular case: -
- 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 financial assistance was repaid.
  - Employment – a disposal made to enable a relevant person to seek, or take up, employment or to change the place of his employment.
  - Health and well being – a disposal made for reasons connected with the physical or mental health, or well being, of a relevant person i.e. to move into Residential Care as his only or main residence.
  - 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.
  - Disposal proceeds – a disposal of premises to which an application for assistance relates, where the proceeds of the disposal (after deduction of any relevant amount) are less than the amount of assistance, which a relevant person (apart from this consent) would be liable to repay. In this paragraph ‘relevant amount’ means:
    - (i) The amount of any expenses incurred by the relevant person in connection with the disposal;
    - (ii) The amount of any advance secured by a charge on the premises, taken out prior to the assistance, which has been repaid by the relevant person.

- Value of premises – a disposal where the value of the premises at the date of the disposal, after deducting the amount of assistance that has been paid, is less than the value of the premises at the date of the application for assistance.
- Disposal to local authority or RSL – a disposal made to the Council or a registered social landlord.
- 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.

4.6 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.

## **5.0 Prioritisation of Applicants/Schemes**

5.1 Approval in relation to any individual scheme is dependent upon sufficient budget allocation being available in any financial year.

5.2 The Director of Development Services or the Environmental Health Manager shall be given delegated powers to determine the manner in which individual schemes are carried out. Before reaching a decision, they 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.
- (ii) The findings of any local house condition survey, neighbourhood renewal assessment or other housing related study where the findings impact upon the Council's strategic housing enabling role.
- (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 any Renewal Area or Council priority area for private sector renewal.
- (vii) The views of any applicable interested groups. These include: Residents Groups, Parish Councils, Crime Reduction Partnership etc.
- (viii) Organisations specialising in the interests of vulnerable groups e.g. Age Concern, Social Services, Durham and Chester-le-Street Primary Care Trust etc.

## CHAPTER 4: MISCELLANEOUS PROVISIONS

### **APPENDIX A: SUMMARY OF PRIVATE SECTOR HOUSING ACTION PLAN INDICATING ACHIEVEMENTS AND FURTHER WORK REQUIRED TO ADDRESS THE AUDIT COMMISSION HOUSING RE-INSPECTION REPORT**

Audit Commission Report Comments	Outcome	Associated Reports	Lead officer	Target Date
Introduce and monitor specific service standards or a customer charter	Private sector housing service standards were first introduced in the June 2003 report to Full Council. These have been reviewed and developed within this policy version and further specific standards will be applied to the work of the Durham City and Chester-le-Street Home Improvement Agency (HIA).	Executive report 20.12.04 for HIA	JPJ	June 2005
Develop strategic approach to private sector housing, evaluating and introducing initiatives to help owner-occupiers via means other than capital grants	<p>The conditions attached to Discretionary Repairs Assistance allows for repayment upon breach of conditions. Recovered monies will be recycled into new capital schemes, thereby reducing the reliance on future Council capital funding. Maintenance of the local land charges register will be used to maximise the recovery of funds from relevant disposals. Alternatives to DFG are contained in Appendix A of Chapter 1 of this report.</p> <p>The HIA will offer impartial advice to owners who fall outside of the grant regime, and will for example refer owners to the approved list of contractors.</p> <p>The handyvan scheme continues to operate, via a multi-agency partnership.</p>	This report	JPJ	<p>Done</p> <p>June 2005</p> <p>Done</p>
Introduce a more systematic approach for reviewing the approved contractor list, linking customer feedback to the retention of contractors on the list.	<p>Tailored customer feedback questionnaires are used for recipients of financial assistance packages.</p> <p>The HIA will operate with a comprehensive list of approved contractors, together with the necessary checks and reviews, from the commencement date.</p>	This report	JPJ	<p>Done</p> <p>June 2005</p>

Develop more robust approaches to policies for area-based grants targeting, including objective criteria for enhancement and anticipated outcomes of targeting, with performance reporting.	Robust information now exists via the Private Sector House Condition Survey 2003 and the Housing Needs Survey 2004 regarding area-based priorities. A picture of the energy efficiency profile of the District is emerging, via 'level 0' information submitted by partner organisations, following insulation works to properties. The 'soon to be commissioned' study into Grange Villa will further enhance this information. Scope now exists for the use of Area Renewal Grants within this policy, as detailed in Chapter 4: Appendix B. The enquiry system for Discretionary Repairs Assistance allows for area-based targeting.	This report	JPJ	Done  Dec 2005 Done  Done
Evaluate and clarify the service provided to applicants for the fee charged, and formalise this by means of a service level agreement with applicants.	This is currently in operation; however the form will be amended to reflect the nature of the relationship with the HIA, when it becomes operational.		JPJ	Done
Requirement to maintain top quartile performance bringing long term empty properties back into use.	BVPI 64 will be looked at as part of the Council's Service Improvement Team project for the Environmental Health team. SMART targets will be set for 2005/06 and beyond.		JPJ	June 2005
Low energy efficiency levels and activities of the Council under HECA have yet to have a major impact on this figure.	Significant progress has been made within the last 2 years towards HECA compliance. The Council progress is expected to rise above the original target for the first time, during 2005/06.	Executive report XXXX 2004.	JPJ	Done

## CHAPTER 4: MISCELLANEOUS PROVISIONS

### APPENDIX B: POSITION STATEMENT SHOWING COMPLIANCE WITH KEY LINES OF ENQUIRY NUMBER 9

#### 1. Access Customer Care and User Focus

9.1	Has staff that all demonstrate user focus in their work and who treat people with respect at all times.	Diversity and Equalities training is nearing completion (by June 2005). All staff are subject to the Council's Personal Development Plan process.
9.2	Has front-line staff that demonstrate a wide range of knowledge about the full range of enquiries they receive or know who or how to access the necessary information to help service users.	The Environmental Health Service Team was restructured during 2004. The new structure allows for specialist teams, supported by central administrative staff and private sector housing functions fall within the Housing and Pollution Control Team. Training is pending in the areas of the Housing Health and Safety Rating System and DFG law / administration. Funds for further training have been earmarked.
9.3	Offers a comprehensive range of ways for service users to contact them – by telephone, in person, electronically, etc – all of which are dealt with efficiently and effectively and are known to be the way service users want to access the service.	Service users are able to contact the team by telephone, in person by visiting the Civic Centre (by appointment or otherwise), by home visit, dedicated fax and email. The emphasis is for staff to carry out home visits wherever possible. Additionally, contact opportunities with other relevant partners (such as the PCT, Social Services, Supporting People, Age Concern etc) are explored during these visits. This works very well, for instance, in the Affordable Warmth action plan. The website access is currently being reviewed, with a view to embracing electronic communication and information provision.

9.4	Has set challenging service standards in conjunction with service users and stakeholders, which are tailored to meet local need.	Council adopted current private sector housing policies in July 2003. These included some service standards and prioritisation criteria for vulnerable groups. The pending fundamental review will involve substantial stakeholder involvement during the summer of 2005. This will include reviewing service standards and an appraisal resources versus priorities.
9.5	Actively canvasses the views of service users and uses them to review or improve services. Service users are consulted and involved in major decisions that affect the service. Service users feel confident that their input will be valued and acted upon.	The HIA contract is scheduled to begin on 1 <sup>st</sup> June 2005. The Service Level Agreement provides for service user interaction. Additionally, provision for such consultation and involvement forms part of the revised strategic policies, and will be implemented by September 2005.
9.6	Sees other organisations, like Home Improvement Agencies (HIA), as service providers and is confident about signposting service users elsewhere when necessary and in the best interests of service users	See 9.5 above.

## 2. Diversity

9.7	Has a clear understanding of its local community using all relevant information, including the input of local partners, and knows its own service user profile, making necessary adjustments where this is out of step in meeting the needs of those that require services.	The private sector house condition survey dated 2003 provides information relating to: Occupancy, tenure, age, condition, remedial cost estimates and emerging issues (such as the likely impact of the changes to the fitness regime). The Environmental Health Service Plan allows for the provision of revenue support to carry out stock information studies, in a rolling programme, from April 2006 onwards.
9.8	Knows, records, analyses and monitors information about the ethnicity, vulnerability and disability of service users and uses it to ensure services are delivered appropriately and to prioritise resources.	This will be incorporated into user satisfaction surveys from September 2005.
9.9	Provides information about services and service standards in a comprehensive range of languages and formats appropriate to service users' needs eg, large print, Braille, other languages etc.	Not in place; however upon request the Council can provide such information in other formats or languages via an external partner.
9.10	Works with its component communities to ensure fair representation and service take-up.	Current policy allows for prioritisation by way of a points based grant enquiry system, comprising set criteria which was influenced by the key findings of the 2003 stock condition survey.
9.11	Does not discriminate against any person or other organisation on the grounds of race, ethnic origin, disability, nationality, gender, sexuality, age, class, appearance, religion, responsibility for dependants, unrelated criminal activities, being HIV positive or with AIDS, or any other matter which causes a person to be treated with injustice.	None known. On going staff training on equality and diversity issues will help to identify and eradicate areas of discrimination that may (inadvertently) currently exist.

### 3. Private Sector Stock Condition and Needs Data

9.12	Has completed a comprehensive private sector house condition survey either itself or through consultants within the last 5 years, including estimates on the cost of private sector repair and energy efficiency levels.	Yes 2003 – David Adamson and sons. In addition, the Environmental Health Service Plan allows for the provision of a total of £20,000 support to carry out stock information studies, in a rolling programme, from April 2006 onwards.
9.13	Keeps its private sector house condition survey up to date through updated information available through the grant and other systems and has mechanisms in place to ensure that stock condition data is also updated using a range of information from different departments like planning, building control and partners like Home Improvement Agencies (HIA).	The Council has the potential to utilise the UNIFORM software system to integrate Building Control, Planning and Private Sector Housing Services. This will require close dialogue between officers from the above disciplines.
9.14	Has a wide range of contextual data in place that enables the council to assess the situation effectively including data on empty homes, household statistics (e.g. demographics, health and incomes) and energy efficiency levels.	The Council purchased a specialist energy efficiency software package in 2003/04 and has two officers qualified to Government Assessor level. On-going data is collected from a variety of sources e.g. property level zero assessments are carried out by the Contractor upon completion of energy efficiency works via the COSY, Durham Energy Savers or Warm Front schemes.
9.15	Has solid baseline information on the condition of the private sector stock at a given point in time that it uses effectively to work out the impact of its actions and the current private sector housing position. This informs potential future trends and where future need may occur	Stock condition survey is used in the outturn of BVPI 62.  Council Tax data is used to assess the number of void properties. The current level of voids is relatively low.

9.16	Has a good understanding of what the stock condition and housing demand is of its housing association partners.	Not currently within the Environmental Health Service remit.
9.17	Has begun to assess the position in regard to the decent home standard in the private sector and factors this into future policy directions and initiatives, and in particular has considered how to assess a baseline position with regard to the Public Service Agreement 7 (PSA7) target on decent homes to increase the proportion of vulnerable households in the private sector living in decent homes.	2003 stock condition survey gathered some data on this issue. The proposed revised strategic policies include tackling non-decent homes by using financial assistance or enforcement as appropriate.

#### 4. Private Sector Housing Strategy and Its Implementation

9.18	<p>Has a Private Sector Housing Strategy<sup>1</sup> that is integrally linked to the overall Housing Strategy and clearly flows from addressing private sector housing need using the baseline information and needs data and is supported by other strategies, such as a comprehensive housing renewal strategy, an empty homes strategy and HMO strategy, and these have clear findings and adopted recommendations that look to address the private sector housing needs with targets clearly expressed and articulated. The Private Sector Housing Strategy and other supporting strategies form an integral part of the overall Housing Strategy.</p>	<p>The Council has no known HMOs that will require mandatory licensing.          Empty homes are currently considered as a low priority because there are only circa &lt; 0.5% of the private sector stock are vacant. In community safety terms, they present few problems. For example, the Environmental Health service received only 3 complaints during the whole of 2004/05 in relation to private housing that was open to access.          The Housing Strategy Steering group, comprising senior Managers across relevant Council disciplines, meets on a monthly basis.          The draft housing renewal policy sets out service priorities and targets (Section 6 refers).</p>
9.19	<p>Has a Private Sector Housing Strategy that links closely to, and significantly supports, overall corporate objectives and priorities, as well as other organisations strategies such as health and social services and has taken account of national and regional private sector policies, guidance and likely future legislative changes.</p>	<p>The Environmental Health Service Plan has detailed action plans, linked to the Council's corporate objectives.          The Durham County Supporting People Strategy has led directly to the Council's involvement in setting up the HIA. The HIA Steering Group consists of representatives from appropriate partners.</p>

9.20	Has a Private Sector Housing Strategy that has been widely consulted on with key stakeholders relevant to the local context like private sector landlords, banks and building societies (especially in low demand areas) and DIY and tool hire companies. Has also consulted on its strategy with service users like private sector tenants.	Not currently. This will be addressed during the summer of 2005
9.21	Has fully addressed the requirements of the Regulatory Reform Order (RRO) and successfully introduced new powers where these work in the local context in order to act more strategically to target actions and resources towards local priorities in the private housing sector. A clear policy exists on the use of the council's powers under the RRO, including the basis upon which it administers private sector grants that it may choose to give.	The 2003 Policy addresses some of these issues. This will be addressed during the summer of 2005
9.22	Has begun to assess how various component policy elements of the private sector programme contribute towards achieving year on year improvements on the baseline position in regard to meeting the decent home standard PSA7 target for the private sector.	The draft housing renewal policy addresses this and the various financial assistance spreadsheets will include information relating to decent homes compliance.
9.23	Has a clear framework for giving mandatory Disabled Facilities Grants (DFG) and working with other agencies like health and social services to effectively co-ordinate DFG activity and this is delivering top quartile performance in the time it takes to assess and process adaptations.	In place. Benchmarking information is not currently sufficiently developed to ascertain comparable performance amongst other local authorities.

9.24	Responds well to the introduction of new national initiatives and balances these against its local priorities	Some encouraging progress has been made in the area of Affordable Warmth, in response to the Government initiatives to abolish fuel poverty and respond to climate change. The Council's work in Community Safety has received recognition for the resulting reduction in levels of crime and disorder. This work will be complemented by measures contained within the draft housing renewal policy for target hardening and security / safety works on a referral basis.
9.25	Has given detailed consideration to how the provisions of the Housing Bill particularly relevant to the private sector might best be introduced at the local level. For instance in relation to powers to improve housing conditions including mandatory licensing of larger houses in multiple occupation and potential use of additional licensing of Houses in Multiple Occupation (HMOs) and the impact of the new Housing Health and Safety Rating System and extending eligibility for disabled facilities grants to all those occupying caravans. In relation to selective licensing of the sector has given detailed consideration as to whether selective licensing should be applied in relation to problems of low demand and/ or antisocial behaviour in its area and, if so, has begun detailed preparatory work on a scheme.	Consideration has been given to the HHSRS and the need for training staff. The Northern Housing Consortium run regular events and, as a member, officers attend these. The 2003 house condition survey indicates no known larger HMOs requiring mandatory licensing. The Landlord Accreditation officer is currently working towards an accreditation scheme for private rented properties.
9.26	Undertakes regular work between regional partners to establish the regional context for the private sector and places its policies in the context of private sector housing market that work across	The Durham Coalfield initiative has resulted in a successful SHIP bid for Grange Villa. This work is on-going.

	council boundaries on a sub-regional basis and against an awareness of what neighbours are doing.	
9.27	Has identified its priority areas and neighbourhoods in the private sector and provided adequate resources to tackle the worse issues first.	See 9.26 above
9.28	Has a clear framework in place that sets out how the council's approach will be undertaken when activity is needed. These are seen in the wider context of the Private Sector Housing Strategy not as individual strands of work.	The draft housing renewal policy provides this framework. The various appendices contain specific criteria to be used either within an area or client specific basis.
9.29	Has clear targets and timescales for each area of the service elements, such as assessing grant applications and inspecting properties, especially HMOs.	All grant applications must be assessed within 6 months of receiving a full application.
9.30	Has a regular local private sector landlords and property owners fora meeting to discuss common concerns and if appropriate has introduced a landlord accreditation scheme.	Accreditation officer carries out this function
9.31	Assesses the impact of the outcomes of activity and uses these assessments to update the baseline information and strategy to respond more effectively to the needs of the private sector.	See 9.22 above
9.32	Has partners that are clear that their roles contribute and are tied into the strategic objectives of the council and signed up to deliver these shared objectives e.g. HIA	The HIA begins June 1 <sup>st</sup> 2005. The Steering Group will oversee this work. The HIA reporting mechanism will include position statements on how the social care, housing and health agendas are being met. This will be reported to Council Members.

## 5. Tackling Poor Housing Conditions in the Private Sector

9.33	Has developed highly effective ways for intervening in private sector housing activities that meet identified need in an area and in doing so, has a clear understand of the cost of the various options for an area, for both individuals and communities	Initial feasibility work to be part of the Grange Villa SHIP. The draft housing renewal policy contains a range of tools to be used in relation to area specific projects e.g. Area Renewal Assistance and Relocation Assistance. These will only be used following an option appraisal study. Key officers are experienced in the renewal area and clearance area process.
9.34	Considers and uses the full range of options available, including clearance, using Compulsory Purchase Orders, carrying out group repair schemes, providing relocation grants and so on when deciding what is the best action to take in tackling an areas poor housing conditions.	See 9.33 above.
9.35	Makes maximum use of other sources of finance to improve private sector property condition and uses the full capacity of partners to bid for other sources of funding not available to the council	This will be developed with the HIA and partners. The chosen provider for HIA services (Three Rivers Housing Group) has a proven track record in this area of work.
9.36	Adopts, implements and monitors the enforcement concordat and has clear policies that are followed through when necessary, which clearly link to corporate aims and objectives.	The Council has signed up to the Enforcement Concordat The revised Council Constitution is due for Member consideration imminently and the Environmental Health Enforcement Policy is currently being drafted.
9.37	Has a clear knowledge of private sector empty homes and clear policies and initiatives for either offering owners ways of bringing empty homes back into use or being dealt with appropriately if in a low demand area.	This is seen as a low priority for the reasons given in 9.18 above. The draft housing renewal policy allows for waiving the prior occupancy criteria in relation to long term vacant properties situated in Council action areas.

## 6. Monitoring of Achievement of the Private Sector Housing Strategy

9.38	Has a clear action plan which is SMART with all the necessary elements like milestones, targets, named lead officers/ councillors, time-frames and funding sources/ partners that enables the council to establish when it has either achieved its objectives or it has poor performance.	The Council's private sector renewal expenditure is overseen by the Capital Monitoring Working Group, which comprises senior managers and the Portfolio Holder for Finance. Environmental Health team monitoring will involve monthly reviews of expenditure by comparing the various grants registers against the Agresso system.
9.39	Provides detailed reporting to councillors and other stakeholders on activity and how this affects the overall housing conditions. This information is used to initiate new and revised action and tackle slippages in the programme.	Report on department priorities to the Portfolio holder on a monthly basis. Report sent to the Capital Monitoring Working Group, as above. The HIA performance report will be considered by Members, on a quarterly basis, once it becomes operational.
9.40	Has a strategy that cascades into the service plan and informs individual work programmes and appraisals.	Service Plan and Strategy are aligned. Individual work programmes are being developed.

## 7. Value for Money

9.41	The organisation collects accurate information on costs and services and uses it to decide priorities and to strategically manage resources.	The Environmental Health Service contributes to the CIPFA returns, which enables some benchmarking to take place.
9.42	Provides service users with comprehensive and accurate information on services, including costs, when presenting options for improvement.	The HIA will act as client advocate. This will include advising on funding sources, contracts, tendering, supervision of works etc, in addition to those provided by the Council.
9.43	Is able to demonstrate significant cost savings and/or quality improvements through partnerships.	The HIA will develop this area.
9.44	Provides clear and well-understood information on costs and how these relate to the quality of services delivered.	Schedules of work ensure that minimum quality standards are applied to grant aided work. The approved list of contractors held by the HIA, coupled with a competitive tendering process, will ensure value for money.
9.45	Show strong value for money through efficient use of grants and loans in renovation and disabled facilities grant works.	Disabled facility grant protocols include provisions for preventing or reducing incidents of 'bed blocking'. This, together with other schemes e.g. COSY prevent or delay the need for sheltered housing or hospitalisation.
9.46	Has low overall costs and unit costs for private sector housing services compared to other organisations providing similar levels of services and allowing for the local context (service users may have agreed to pay more for higher quality services).	Three Rivers Housing Group provides HIA services to several other organisations. This allows scope for future benchmarking.

9.47	Follows good practice in procurement and understands where the greatest potential benefits can be gained, internally and externally.	The HIA provider can demonstrate a proven track record, for example in the procurement of plan drawing services. The Council is an affiliated member of the North East Purchasing Organisation (NEPO).
9.48	Has used procurement to achieve significant savings without loss of quality, e.g. can demonstrate achievements in delivering programmes and projects on time, to target and to service user's satisfaction, in terms of both cost and quality.	As above
9.49	Is successful in bidding for grants and making the most of match funded projects.	COSY scheme provides significant leverage. The HIA set up and operation. The Grange Villa SHIP bid.