



Policy and Resources Committee – 23 March 2015

Revised Private Sector Housing Grants Policy

Purpose of report

Following the Disabled Facilities Grants service moving in house in October 2014 the Private Sector Housing Grants Policy requires revision to reflect current working practices.

Attachment(s)

Appendix 1: Revised Private Sector Housing Grants Policy (revised sections highlighted)

1.0 Background

1.1 Members will recall the decision taken by this committee in June 2014 to end our partnership with the Home Improvement Agency Care and Repair managed by Spire Homes and to take the Disabled Facilities Grants (DFG) service in house. (Minute 34 refers)

2.0 Private Sector Housing Grants Policy

2.1 Every authority is legally required to detail what housing-related grants they offer to their residents and to keep the document under review to ensure it reflects the current services provided by the Council. Following the decision to take the DFG service back in house and away from Care and Repair a number of changes have occurred that required the policy to be updated.

2.2 Whilst the essential changes have been made, the whole document has also been reviewed to ensure that all the information is still accurate.

2.3 Appendix 1 includes the revised policy, and the sections that have been revised or updated have been highlighted in red for members' ease. There are three main changes to the document, firstly to remove all reference to Care and Repair and to update the DFG section to reflect how the service currently operates. Secondly, the clarification that the council will not purchase extended warranties for equipment as part of the grant application. All equipment will come with the manufacturer's warranty as standard. This change is in line with the majority of councils in the county. Thirdly, to specifically include a section on the DFG waiting list. Prior to the service coming back in house, the council never held a waiting list of cases as this was managed by Care and Repair with the council dealing with all equipment requests as and when they came in.

3.0 The Waiting List

3.1 Members will be aware that there is now a waiting list in place for DFG referrals. The waiting list is in place because all referrals cannot be actioned as soon as they come in due to both financial and staffing resources. We recognise that clients do not want to have to wait for their adaptation to take place and that this is often a source of anxiety and complaint, but it is a necessary management tool. However, having taken the service back in house in October we have made a number of changes to improve the DFG service and these are continuing. One area that causes the service the most concern is the waiting list and how it is managed.

3.2 The council deals with DFGs in priority and date order, ensuring that those that have the highest assessed need receive the adaptation fastest. However, this poses a risk

that some of the simpler cases such as equipment (stairlifts, ceiling track hoists) and minor adaptations (ramps and level access showers) can be delayed due to the larger major adaptations (extensions).

3.3 Prior to the service with Care and Repair coming to an end, all equipment referrals were dealt with in house as soon as they came in, resulting in referrals that required technical input only being dealt with by Care and Repair through the waiting list. We considered this when moving the service back in house and decided that there should be one waiting list with all the cases and that these would continue to be dealt with in date and priority order. However, having operated this system for 5 months, we have concluded that it is not the most efficient way of managing the waiting list. Quick jobs that can have the biggest impact on the client such as equipment have to wait longer through the one list approach.

3.4 It is therefore proposed that the list is divided into three; equipment, minor works and majors. By splitting the list the equipment can be dealt with quicker and improve the quality of life for the clients in a matter of weeks. Those requiring technical input (minors and majors) will be worked on jointly and balanced between the housing officers and the technical officer.

4.0 Equality and Diversity Implications

4.1 There is an existing Equality Impact Assessment in place for the DFG service; the changes to the policy do not affect the content of this assessment. Therefore there are no further equality and diversity issues that need to be considered as a result of this paper.

5.0 Legal Implications

5.1 The review of the Private Sector Housing Grants Policy is a legal requirement and ensures that the council is clear in setting out what housing-related grants are available from the council and where members of the public can go to seek further assistance. The changes to the waiting list should not affect the legal timescales for delivering DFG applications.

6.0 Risk Management

6.1 Due to the continued demands on the DFG budget and the ever-increasing complexity of the referrals we receive, a new risk has been set up on Performance Plus, which will be monitored through the performance clinic process.

7.0 Resource and Financial Implications

7.1 The changes to the policy and how the waiting list is managed do not place further burdens on the existing budgets. The change will allow a bit more balance in terms of workload for the officers and will streamline the service for clients in line with our budgets.

7.2 Countywide work continues in relation to reducing costs of works undertaken and ensuring that there is consistency of approach in selecting contractors across the county. Further opportunities to work with health and social care will be explored as and when they arise.

8.0 Constitutional Implications

8.1 There are none relating to this report.

9.0 Corporate Outcomes

9.1 This paper has links to the following Corporate Outcomes:

- Good Value for Money – ensuring we have the most cost effective adaptations and quotes
- Effective Management – ensuring the DFG process and budgets are effectively managed
- High Quality Service Delivery – providing a high quality service to those eligible and continuing to make improvements

10.0 Recommendation

10.1 The Committee is recommended to

- (1) Approve the amended Private Sector Housing Grants Policy

(Reason – To ensure the Council's policy reflects recent changes and is consistent with previous decisions)

Legal	Power: Housing Grants, Construction and Regeneration Act 1996				
	Other considerations:				
Background Papers:					
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Date: 03/03/2015					
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East
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Appendix 1

Private Sector Housing Grants Policy



April 2015

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Change History

Issue	Date	Comments
0.1	10/4/2012	Private Sector Housing, amendments to several sections
0.2	June 2012	Comments at Policy and Resources, prior to public consultation
0.3	September 2012	Amendments following consultation
1	27/09/12	Final approved by Policy and Resources
2	October 2013	Policy review and update, minor addition agreed by Councillor Lewis
3	March 2013	Amendments to Policy following internal changes

NB: Draft versions 0.1 - final published versions 1.0

Consultees

Internal	External
e.g. Individual(s) / Group / Section	e.g. Stakeholders / Partners /Organisation(s)
Environmental Services	Care and Repair
	Occupational Therapists NCC
	SERVE
	Age UK Northamptonshire
	Northamptonshire Rights and Equalities Council
	Northamptonshire Centre for Independent Living

Distribution List

Internal	External
e.g. Individual(s) / Group / Section	e.g. Stakeholders / Partners /Organisation(s)
Legal Services	Care and Repair
Finance Manager	NCC Occupational Therapists
CMT	

Links to other documents

Document	Link
Private Sector Housing Renewal Strategy	http://www.east-northamptonshire.gov.uk/downloads/Private_Sector_Housing_Renewal_Strategy_2003.pdf

Additional Comments to note

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1.0 Introduction

- 1.1 The purpose of this policy document is to:
- 1.2 Assist officers of the Council in the interpretation and implementation of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002, Housing Act 2004, Housing Grants, Construction and Regeneration Act 1996 so far as it relates to the improvement of housing stock within the district, more specifically in the provision of Disabled Facilities Grants and;
- 1.3 To ensure a fair, equitable and consistent treatment of residents within the district, more specifically the treatment of disabled people who require council's assistance in adapting their home to allow them to live independently.

2.0 Scope

- 2.1 This policy shall be applied when dealing with requests for grant assistance for housing improvements. In particular this policy looks at mandatory Disabled Facilities Grants and home insulation grants carried out under the countywide scheme Northants Warm Homes. This policy will be amended should additional funding for any other housing grant such as Home Repair Assistance be available in the future, **which are not currently available**.

3.0 Policy outcomes

- 3.1 The outcomes to be delivered by this policy are:

Housing Grants Policy outcomes	Links to corporate outcomes
<ul style="list-style-type: none">• To set out the procedures for delivering the mandatory Disabled Facilities Grants• The Disabled Facilities Grants case review panel and how it works• Northants Warm Homes and how funding for fuel poverty and insulation measures are applied for• Any other housing grant assistance available	<ul style="list-style-type: none">• Good quality of life: healthier• Good quality of life: safer• Good quality of life: sustainable• A good reputation with customers and regulators• Council services which provide good value for money• High quality service delivery• Effective partnership working• Knowledge of our customers and communities• Councillors and staff with the right knowledge, skills and behaviours

4.0 Housing Background

4.0.1 This policy should be read in conjunction with the following documents:

- East Northamptonshire Housing Strategy 2006-2009 (currently being revised)
- Housing Act 2004
- Housing Grants, Construction and Regeneration Act 1996 (The Act)
- Regulatory Reform (Housing Assistance) (England and Wales) Order 2002
- East Northamptonshire Council's DFG Case Review Panel Terms of Reference
- Private Sector Housing Renewal Strategy 2003

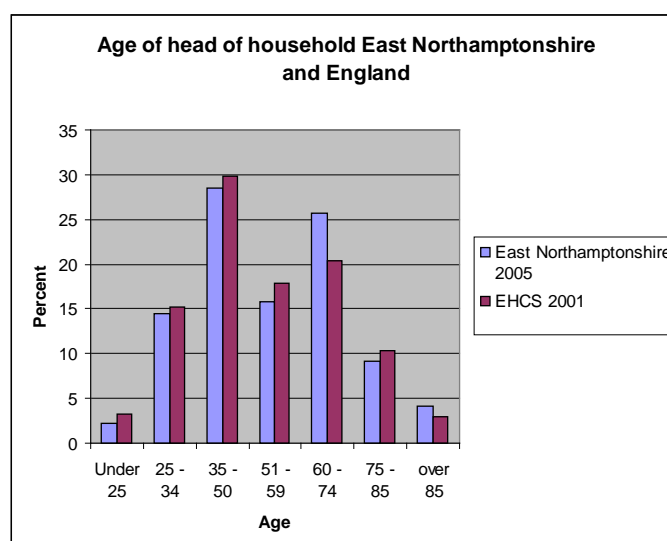
4.1 Housing Profile

4.1.1 The Housing Act 2004 places a requirement on each local authority to carry out an assessment of the housing stock on a regular basis. A set time requirement is not given on how often this should be; East Northamptonshire last had a stock condition survey completed in 2005. A future stock condition survey will be considered as part of the review of the Council's Housing Strategy.

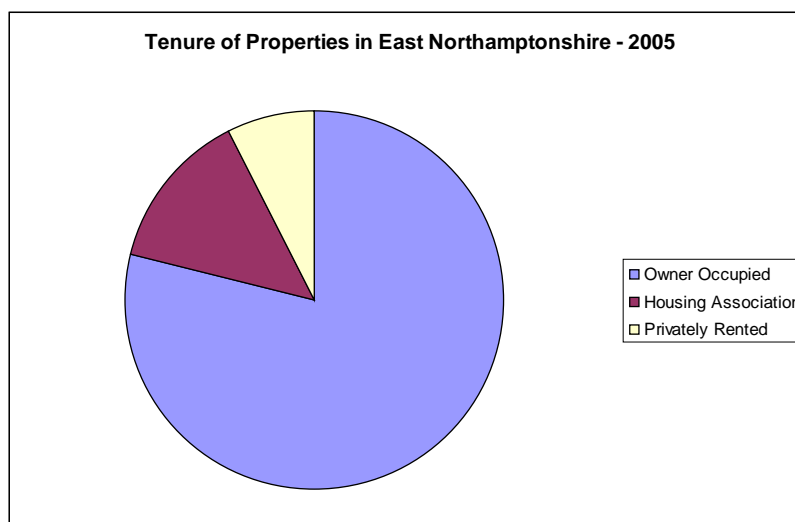
4.1.2 At the time of the 2005 survey the visits, analysis and report took into account the changes in housing enforcement and provided results in both the format at the time, the fitness standard and the future standard under the Housing and Health and Safety Rating System (HHSRS). The Housing Act 2004 and the use of the HHSRS system came into force in April 2006.

4.1.3 At the time of the survey there were 34,500 dwellings in East Northamptonshire, with a higher than average proportion of more modern homes with 49.6% of the stock having been built after 1964. The majority of properties in the East Northamptonshire are owner occupied at 79% and the ages of these properties range from pre 1919 up to post 1964, whereas the private rented stock has a significantly higher proportion of pre 1919 properties with 40% of the privately rented stock having been built pre 1919. This raises key issues regarding the suitability of the housing and disrepair issues.

4.1.4 The following graph shows the demographic of the districts residents in 2005 and it is predicted to not have vastly changed since this time.



4.1.5 The 2005 stock condition survey showed that the greatest issue within East Northamptonshire was excess cold, and this could be caused by a number of factors such as inefficient heating systems or no central heating at all, lack of insulation or none at all and the age and construction of the property. Nearly 40% of the private rented stock was built pre 1919 whereas 43% of the housing association stock was built post 1964, which would lead to expectations that there are good housing conditions in this tenure.



4.2.0 Legislative Framework

Housing Act 2004

- 4.2.1 The introduction of this piece of legislation provided a much needed update to the old “Fitness Standard” and provided greater flexibility in enforcing housing standards. The main change brought in by this piece of legislation was the introduction of the Housing Health and Safety Rating System, HHSRS. This required all properties to be inspected in a risk based way looking at 29 hazards, which range from structural collapse, falls on stairs, collision and entrapment, fire, damp and mould growth and excess cold.
- 4.2.2 The risk based system provides two categories that a hazard can fall into based on the calculations; category 1, which every local authority has a legal duty to deal with and category 2, which has no legal duty but many local authorities have chosen to deal with these issues as well to continue improving the housing stock and the quality of life for its residents.
- 4.2.3 The other major change brought in under the Housing Act 2004 was the introduction of mandatory licensing for houses in multiple occupation (HMOs) that are more than three storeys and have 5 or more people living in the property. This requirement was due to the high risk nature of these premises and the need to have stricter controls placed on these premises to protect the tenants from hazards, in particular fire. In East Northamptonshire we currently have 3 licensed HMOs, each of these premises has a licence containing set conditions the landlord must adhere to and each licence lasts for a period of 5 years. Each licensed HMO is jointly inspected with the Fire Officer from Northamptonshire County Council.

Housing Grants, Construction and Regeneration Act 1996

- 4.2.4 This legislation provides requirements for grants within private sector housing such as HMO grants, common parts grant and renovation grants along with group repair schemes, home repair assistance and deferred action notices. All of the grants listed in this legislation are discretionary except for Disabled Facilities Grants (DFGs), which are mandatory.
- 4.2.5 DFGs are provided to adapt a person's home to ensure that they can live independently, to enable them to use their bathroom and kitchen as well as getting in and out and around the property. The amount of grant required depends on the needs of the person living in the property; the needs are assessed by the occupational therapist following a means test of resources to determine if they are eligible for a grant. Grants are provided for any disabled person whether they are children or the elderly but they must have first been assessed and deemed in need. Typical works under the DFGs include stair lifts and hoists, level access showers to full ground floor extensions.
- 4.2.6 Funding is provided by central government each year towards the budget allocation. The demand for DFG resources is ever increasing but the money provided by central government does not cover the full costs of providing DFGs and the remaining money has to be provided by the Council. Due to budget pressures a Disabled Facilities Case Review Panel was given approval to be set up at Policy and Resources Committee in June 2011. The aim of this panel is to assess valid applications and determine which works are approved as a priority; this panel was also allocated a small budget and will meet once the current years budget for DFGs has been committed. Appendix 1 contains the current Terms of Reference for this panel.

Regulatory Reform (Housing Assistance) (England and Wales) Order 2002

- 4.2.7 The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 became law on 18 July 2002. The Order gives local authorities greater discretionary powers to provide assistance to private homeowners in the form of low cost loans and equity release as well as grants to help them to renovate, repair or adapt their home. The Order also enables authorities to provide other sorts of assistance, for example helping someone move to more suitable accommodation where this is a better option than repairing or adapting their existing home.
- 4.2.8 Local authorities have the flexibility to determine eligibility criteria, whether to perform a means test and the type of assistance available (e.g. grant, loan advice, works). Use of this new power is subject to the authority formulating and publishing a policy setting out how it intends to use the new power to give assistance. Mandatory Disabled Facilities Grants are outside the scope of the new reforms, but the Order does extend eligibility to those living in park homes and houseboats.

The Housing Renewal Grants (Amendment) (England) Regulations 2008 Disabled Facilities Grant (Conditions relating to approval or payment of Grant) General Consent 2008

- 4.2.9 In May 2008 the above legislation amended previous legislation enabling councils to apply conditions to grant approvals to protect their position and recover grant monies in excess of £6,000 paid to applicants with an owner's interest up to a maximum repayment of £10,000. Conditions using the wording of the new legislation will now be applied to all

DFG approvals, which will enable the Council to recover a proportion of grant monies paid to owner occupiers in certain circumstances. These conditions last for 10 years and are registered with the Land Charges Team.

5.0 Grants availability

5.0.1 Environmental Services provides extensive advice to residents on funding schemes that may be available to them depending on their circumstances for energy efficiency and fuel poverty issues. Where assistance in repairs to the property are required our Care and Repair Service can provide contacts for local handypersons schemes that may be available.

Northants Warm Homes Group

5.0.2 Northants Warm Homes is a countywide group that collectively bids for funding **and in partnership bids with Northamptonshire County Council** to reduce fuel poverty and improve energy efficiency in homes across the county. The Northants Warm Homes website: <http://www.northantswarmhomes.com/> provides one location for the public to find out further information on reducing their bills and sign posts them to government schemes such as the Green Deal. The group also works with Northamptonshire County Council

Disabled Facilities Grants

5.0.3 Disabled Facility Grants are available to adapt the homes of elderly or disabled residents to enable them to live independently at home or be cared for at home. Grants are dependant on:

- The works being necessary and appropriate,
- The works being reasonable and practicable, and
- A financial assessment of the applicant's ability to fund the works themselves

5.0.4 Eligibility criteria for Disabled Facility Grants is laid out in Section 23 of The Housing Grants, Construction and Regeneration (As Amended) Act 1996 and primarily relates to accessing principal rooms within the home and accessing and using essential facilities such as the bathroom and kitchen.

Necessary and Appropriate

5.0.5 Works are determined through an assessment of the client and their home environment by an Occupational Therapist from the County Council. The assessments concentrate on the client's ability to remain living independently in their own home and must distinguish between works, which are desirable, and those, which are necessary and appropriate.

5.0.6 A case review panel has been set up to look at cases once the budget allocation has been committed for the financial year. The panel, which consists of, the private sector housing team and elected members **and may include Occupational Therapists and other partners on request**, will meet to look at valid applications and determine if they can be completed within the current financial year within the budget the panel has been allocated. Due to limited funding and the need to make the resources as effective as possible difficult decisions will have to be made.

5.0.7 When identifying and agreeing adaptations Environmental Services will ensure:

- They are the simplest, least disruptive and most cost-effective adaptation to meet the needs of the client;
- They are designed to fit within the existing structure of the home; this may involve using the home in a different way i.e. sleeping in a ground floor room or sub dividing space;
- That providing additional space within a home is only considered if all other options have been fully exhausted and if it is practicable to provide additional space.

Reasonable and Practicable

5.0.8 There are times when it is simply not reasonable and practicable to adapt a property i.e. where there are excessive changes in level, where there are space constraints, where moving existing services is prohibitively expensive. Rather than investing funding to poorly adapt a property grants may be refused because the works are not reasonable and practicable.

5.0.9 If works are not considered reasonable and practicable within the home this will involve asking clients to seriously consider if they are currently in the most appropriate housing or if moving to more readily adaptable level access accommodation would be a better option.

5.1.0 In owner occupied housing where work is not considered reasonable and practicable DFG aid may be available to help with some of the basic costs of moving home. This would be dependant on the means test and each case would be judged individually on its merits.

5.1.1 In Housing Association accommodation the Housing Association will work with clients to identify alternative suitable housing. Where clients may be under occupying a home this has an added advantage of freeing up much needed family housing and there are monetary incentives available from the housing association for this. By promotion of the incentives to move to smaller accommodation by the Housing Associations it is hoped that such decisions can be made proactively rather than at a crisis point in reaction to a mobility need.

Grants Process

5.1.2 Before Occupational Health complete their assessment, East Northamptonshire must first complete a test of resources to determine if the applicant is eligible for grant funding. Central Government determines the mechanism for the test, which is laid out in Statutory Instruments.

5.1.3 As a rough guide an applicant in receipt of income support or housing benefit is likely to have no contribution to the cost of the works. Applicants with private pension or job income are likely to have some contribution towards the cost of the grant. The means test form can be quite complex and proof of income and savings is required, for this reason it is normally conducted at the applicant's home by an officer or an approved representative.

5.1.4 The council operates a waiting list to manage the number of referrals received each week. Due to the number of referrals we receive it is not possible to start work on every case as soon as it is received. Once the Occupational Therapist (OT) referrals has been

received, we write to the applicant to advise them that the referral has been received and to confirm the priority that the OT has allocated and the works that have been requested. If this is different to what was discussed at the time of the OT assessment or the applicant does not agree with the priority that has been awarded details on how to contact the OTs to discuss are provided.

- 5.1.5 The council operates three waiting lists, one for equipment such as stairlifts, through floor lifts and ceiling track hoists; a minor adaptations list such as level access showers and ramps; and a major adaptation lists for extensions, or significant adaptations to a property. The lists are divided into three to ensure that smaller non complicated jobs such as equipment can be installed whilst drawings and plans are being worked through on the other two lists. This aims to keep the list moving and prevent significant delays.
- 5.1.6 All three waiting lists operate on OT priority and date order, therefore those with the highest assessed priority are dealt with first. The provision of a DFG is not an immediate service, they can take many weeks and months to complete depending on the complexity of the case.
- 5.1.7 The next step for all cases is for estimates to be obtained for the works. Applicants for minor and major adaptations will require technical surveys and drawings to be completed to allow an estimate to be requested. Should the client choose not to wait for the council they have the option of utilising the services and expertise of the Adapt Service at Spire Homes or any other external consultant, who can project manage the works including obtaining quotes. If the applicant chooses not to use the council, they must obtain two itemised, competitive estimates for the cost of the identified work. The occupational therapist can help and advise on this process ensuring the work will meet the identified need. For Housing Association tenants this is normally undertaken by the Housing Association.
- 5.1.8 Estimates are evaluated to ensure they are like for like, cover only the identified works and represent value for money. If considered excessive the applicant is requested to obtain further estimates. Once estimates are accepted the amount of grant offered will be based on the lower of the two estimates.
- 5.1.9 Once the necessary forms and estimates are submitted the grant can be formally approved. Local authorities have six months to formally approve a grant once a valid application is made. However, at times of severe budget pressure there may have to be delays in the approval process to accommodate spending within budget limits.
- 5.2.0 Applicants should not start work before receiving their formal grant approval or their application is not valid.
- 5.2.1 Once the application is formally approved the council or the applicant will contact the contractor to arrange a start date. As part of the grant conditions the works must be completed within a year from formal approval and must be carried out by the contractor selected during the tendering process. The contract for works remains between the applicant and contractor.
- 5.2.3 At the completion of the work the grant officer or a representative will visit to ensure all works on the quote have been completed satisfactorily and will ask the applicant to sign a form confirming they are happy with the work. Grant money will then be released direct to the contractor.

5.2.4 Grant applicants are requested to familiarise themselves with the grant conditions to ensure they are fully aware of them **as they are legally binding**.

Maximum Grants

5.2.5 For major works the maximum amount of available grant is £30,000, this figure is determined by central government and may be amended from time to time.

5.2.6 Where eligible works cost more than the maximum amount the applicant must fund the amount over £30,000 themselves or seek other sources of funding such as charity funding. Where works cost over £30,000 the applicant should not commence the works unless the funding arrangements for the additional amount are organised as grant funds can not be fully released until the project is finished.

Applicant funded works

5.2.7 In some cases applicants may wish to carry out works above and beyond those that can be grant funded. This is acceptable provided the guidelines below are adhered to.

- If an alternative scheme is pursued it must meet all the mobility needs the grant would have met. To ensure this the plans must be agreed by the overseeing occupational therapist.
- The grant will only be based on works agreed by East Northamptonshire Council as necessary and appropriate.
- Any unforeseen items are the applicant's responsibility.
- No interim payments will be made on alternative schemes, as it is not possible to assess from work in progress correct levels of interim payments.
- Full and final monies will only be released once all alternative scheme works are completed and an assessment can be made that the completed works fully meet the identified needs.

Maintenance

5.2.8 A Disabled Facility Grant is in effect a one off good faith payment to provide a specific adaptation. Any ongoing maintenance or guarantees does become the responsibility of the grant recipient on completion of the grant works. **Any equipment provided through the grant will be covered by the standard warranty and after this time all maintenance and repairs are the responsibility of the applicant. The client can request a quote for extending the manufacturers warranty of which they can take out at their own cost.**

Grant Repayment Conditions

5.2.9 All grant approvals detail a number of conditions that the applicant must be aware of and agree to before accepting the grant. Following a grant being awarded a charge will be placed on the property for a period of 10 years, which shows that a grant has been provided to that property.

5.3.0 Should the property be sold within that period a proportion of the grant funding may be required to be repaid to the council. The Council has determined that grants over £6k up to the maximum of £30k will be required to return a proportion of the grant awarded if the property is sold and the circumstances of the disposal meets all legal tests.

5.3.1 All grant conditions including the repayment conditions will be explained to the applicant in full during the application process. A grant will not be approved if the applicant has not signed to state that all the conditions have been read and understood.

Appeals and Complaints

5.3.2 Should an applicant be unsatisfied with the outcome of their application for a DFG, they may wish to complain using the Council's [complaints procedure](#). It may be necessary for the application case to be taken to the Case Review Panel where a decision will be made by the elected members who form the panel. If, following the exhaustion of both the council's complaint procedure and the independent review by the case review panel, the applicant is still unsatisfied they may wish to complain to the Local Government Ombudsman.

6.0 Next steps

- 6.1 This document is subject to approval from the Policy and Resources Committee following consultation with relevant groups. Once consultation responses have been received the policy will be submitted for approval and will remain available both internally and externally.
- 6.2 This document must be reviewed at anytime that the authority is able to provide further grants to improve the housing stock. The process for applying for any further grants must be contained within this document and approved by committee before grants can be issued.

HOUSING GRANTS, CONSTRUCTION AND REGENERATION ACT 1996
Sections 44 to 50

Summary of Grant Conditions

Carrying out and Completion of works (applicable to all grants)

1. In approving an application for a grant the Council may require as a condition of the grant that the eligible works are carried out in accordance with any specification they decide to impose.
2. It is a condition of grant that the eligible works are carried out within twelve months from the date of approval of the application. This period may, however, be extended by the Council if they think fit, particularly where they are satisfied that the eligible works cannot be, or could not have been, carried out without carrying out other works which could not have been reasonably foreseen when the application was made.

Availability for letting

In a case where a certificate of intended letting accompanies the application,

1. It is a condition of the grant that, throughout the initial period (that is ten years beginning with the date on which the Council certifies the eligible works to have been completed to their satisfaction) -
 - (a) The dwelling will be let or available for letting as a residence, and not for a holiday, on a tenancy which is not a long tenancy (except in the case of a disabled facilities grant), by the owner for the time being of the dwelling, to a person who is not connected with him (generally speaking, this means not a member of his family), or
 - (b) The dwelling will be occupied or available for occupation by a member of the agricultural population under a service contract, and otherwise than as a tenant.
2. It is also a condition of the grant that the Council may by written notice require the owner to provide within 21 days a statement showing how the property is occupied.
3. The grant conditions remain in force throughout the initial period and are binding not only on the person who provides the certificate but also on any subsequent owner of the dwelling (except for a housing authority or registered housing association).
4. In the event of a breach of the grant conditions, the Council may demand the repayment of the grant with interest, but they do have the discretion either not to demand repayment, or to require payment of less than the full amount.
5. It is a further condition of the grant that if, within the initial period, an owner makes a relevant disposal (other than an exempt disposal) of the dwelling *with vacant possession* he is obliged to repay to the Council the entire amount of the grant. If such a relevant disposal is made *without vacant possession*, the amount the owner is obliged to repay will depend on the period which has elapsed before disposal takes place, the amount being reduced by one-fifth for each complete year which has elapsed during the initial period, up to the date of disposal. [An owner is required to notify the Council forthwith in writing of his intention to make a relevant disposal and to give the Council any information reasonably requested by them in that connection.]

Notes

- (i) If neither (a) nor (b) above applies during any part of the initial period, but the dwelling is occupied by a person who is a protected occupier under the Rent (Agriculture) Act 1976 or is occupied under an assured agricultural occupancy, within the meaning of Part 1 of the Housing Act 1988, the condition will not be breached.
- (ii) In a case where personal representatives or trustees are the owner, the letting must not be to a person who has a beneficial interest under the will, intestacy or trust, in the property or the proceeds of its sale.
- (iii) "Relevant disposal" means the sale of the freehold or assignment of the lease, or the grant of a long lease (one of over 21 years, otherwise than at a rack rent).
- (iv) "Exempt disposal" means a disposal which is:
 - (i) of the whole of the dwelling to the owner or one of the joint owners of the dwelling or to a wife or husband or former wife or husband of one of the joint owners, or a member of that person's family, or, in the case of a company, to an associated company;
 - (ii) of the whole of the dwelling under a will or inheritance on a death;
 - (iii) of the whole of the dwelling by Court order in the course of a domestic breakdown;
 - (iv) compulsorily, or by agreement, to a public body with compulsory purchase powers;
 - (v) of land which is "included land" under section 184 of the Housing Act 1985; or
 - (vi) of a defective house under part XVI of the Housing Act 1985 and the owner is exercising his entitlement to assistance by way of repurchase.

Owner-occupation

In a case where a certificate of owner-occupation accompanies the application,

1. It is a condition of the grant that, where an owner makes a relevant disposal of the dwelling, other than an exempt disposal, within a period of ten years from the date on which the Council certifies that the eligible works have been carried out to their satisfaction ("the certified date"), he will be required to repay the grant to

the Council, on demand. This condition remains in force for the whole of the ten years and is binding not only on the person who gives the certificate, but also on any subsequent owner, except that where an exempt disposal is made, the conditions as to repayment cease to have effect. An owner is required to notify the Council forthwith in writing of his intention to make a relevant disposal and to give the Council any information reasonably requested by them in that connection.

2. The Council may decide not to make any demand for repayment in a case where they are satisfied that the owner is elderly or infirm and is disposing of the property with the intention of going to live in sheltered housing or a residential care home. The Council also has discretion not to make a demand in certain circumstances where a mortgagee exercises a power of sale.

Note: The meanings of "relevant disposal" and "exempt disposal" are set out in notes (iii) and (iv) above.

Grant Repayment Condition

By accepting this grant, you agree that at any time within 10 years from the date of the grant approval, the property to, which this grant relates is sold, a proportion of the grant maybe repayable to East Northamptonshire Council. Subject to the following condition:

For applicants with an Owners interest, in the event of a grant exceeding £6000, it is a condition of the grant that the Council may demand the repayment by the recipient of such part of the grant that exceeds £6000 (but may not demand an amount in excess of £10,000) if –

- a) the recipient disposes (whether by sale, assignment, transfer or otherwise) of the premises in respect of which the grant was given within 10 years of the certified date; and
- b) the Council, having considered—
 - i) the extent to which the recipient of the grant would suffer financial hardship were he to be required to repay all or any of the grant;
 - ii) whether the disposal of the premises is to enable the recipient of the grant to take up employment, or to change the location of his employment;
 - iii) whether the disposal is made for reasons connected with the physical or mental health or well being of the recipient of the grant or of a disabled occupant of the premises; and
 - iv) whether the disposal is made to enable the recipient of the grant to live with, or near, any person who is disabled or infirm and in need of care, which the recipient of the grant is intending to provide, or who is intending to provide care of which the recipient of the grant is in need by reason of disability or infirmity, is satisfied that it is reasonable in all the circumstances to require the repayment.

The conditions above are local land charges and are binding on any person who is for the time being an owner of the dwelling or building.

Exempt Disposals - Housing Act 1985 – Section 160

(1)A disposal is an exempted disposal for the purposes of this Part if—

- (a)it is a disposal of the whole of the dwelling-house and a further conveyance of the freehold or an assignment of the lease and the person or each of the persons to whom it is made is a qualifying person (as defined in subsection (2));
- (b)it is a vesting of the whole of the dwelling-house in a person taking under a will or on an intestacy;
- (c)it is a disposal of the whole of the dwelling-house in pursuance of any such order as is mentioned in subsection (3);
- (d)it is a compulsory disposal (as defined in section 161); or
- (e)it is a disposal of property consisting of land included in the dwelling-house by virtue of section 184 (land let with or used for the purposes of the dwelling-house).

(2)For the purposes of subsection (1)(a), a person is a qualifying person in relation to a disposal if—

- (a)he is the person, or one of the persons, by whom the disposal is made,
- (b)he is the spouse or a former spouse, or the civil partner or a former civil partner, of that person, or one of those persons, or
- (c)he is a member of the family of that person, or one of those persons, and has resided with him throughout the period of twelve months ending with the disposal.

(3)The orders referred to in subsection (1)(c) are orders under—

- (a)section 24 or 24A of the Matrimonial Causes Act 1973 (property adjustment orders or orders for the sale of property in connection with matrimonial proceedings),
- (b)section 2 of the Inheritance (Provision for Family and Dependants) Act 1975 (orders as to financial provision to be made from estate),
- (c)paragraph 1 of Schedule 1 to the Children Act 1989 (orders for financial relief against parents), or
- (d)Part 2 or 3 of Schedule 5, or paragraph 9 of Schedule 7, to the Civil Partnership Act 2004 (property adjustment orders, or orders for the sale of property, in connection with civil partnership proceedings or after overseas dissolution of civil partnership, etc.).

