

Part I

Main author: Andy Luck

Executive Member: Cllr Fiona Thomson

All Wards

WELWYN HATFIELD BOROUGH COUNCIL
CABINET HOUSING PANEL - 19 JULY 2021
REPORT OF THE CORPORATE DIRECTOR (HOUSING AND COMMUNITIES)

HOUSING ASSISTANCE POLICY

1 Executive Summary

- 1.1 The purpose of this report is to present the revised Private Sector Housing Assistance Policy 2021 and seek authority to consult on the draft, prior to a final version being approved.
- 1.2 A report was presented to members of this Panel in March 2021 (Disabled Facilities Grant Funding and Use of Better Care Fund) which explained the background and funding position in terms of the Better Care Fund. It was agreed that other suitable uses of the Better Care Fund be investigated, and options reported back to members for consideration. This report introduces the revised Housing Assistance Policy, which includes a widening of the scope of help available subject to available funds.
- 1.3 The team are also working in conjunction with Hertfordshire County Council's Adult Social Care service to consider wider strategic projects, such as improved hospital discharge pathways and capital improvements to supported housing and registered provider housing stock. A report will be brought to this Panel at a later date, with any recommendations arising from this work.
- 1.4 The aim of the Housing Assistance policy is to ensure that residents in Welwyn Hatfield who qualify receive the necessary assistance to 'help them live in their own homes, safely and with dignity with the right adaptation when they need it'. The policy is in two parts: Firstly, Mandatory Disabled Facilities Grants – this sets out the mandatory legal framework including eligibility criteria and the prescribed means test assessment. Secondly, Discretionary Assistance – this sets discretionary interventions to promote independent living and wellbeing set locally by the council.
- 1.5 The previous Housing Assistance Policy was adopted in 2008 and can be found on the Council Website.
https://www.welhat.gov.uk/media/19009/Private-Sector-Housing-Renewal-Policy-2008/pdf/WHC_Private_Sector_Housing_Renewal_Policy_2008.pdf?m=637588426232300000
- 1.6 This policy is not currently fit for purpose and needs to be updated to both widen the scope of assistance available to disabled people and to update the assistance available to align with the current government guidance on how grant funding can be used.
- 1.7 The primary assistance that the council delivers is provided by Disabled Facilities Grants (DFG). This activity is funded through grant received via Hertfordshire County Council from the Better Care Fund (BCF). This means that the provision of adaptations in private sector homes to eligible households are facilitated and managed by the council. DFGs are mandatory and must be awarded to eligible applicants for certain specified adaptations.

- 1.8 The Better Care Fund allocation is ring fenced for the purpose of providing adaptations or other enablement which improves independence in the home. However, this can only be utilised in the Private Sector, including Housing Associations.
- 1.9 The government regulations, Regulatory Reform (Housing Assistance) (England and Wales) Order 2002, allows the council to develop its own policy on how it administers the mandatory DFG and to widen the scope of assistance in the form of discretionary funding for items that fall outside mandatory DFG which is reflected in the broader scope of assistance available in the proposed policy.
- 1.10 The new policy consolidates, simplifies, and broadens the scope of the assistance available to adapt the homes of disabled occupiers in the private sector.

2 Recommendation(s)

- 2.1 That subject to any comments received from members of Cabinet Housing Panel, the 2021 Housing Assistance Policy will be published for public consultation via an Executive Member Decision Notice.
- 2.2 Members note that subject to agreement of the recommendation in this report, a further report will be brought to Cabinet Housing Panel following the consultation, setting out the results and any proposed changes to the draft policy resulting from this, with a view to recommending this to Cabinet for approval.

3 Explanation

- 3.1 Disabled Facilities Grant (DFG) is for the provision of adaptations to disabled peoples' homes to help them to live independently in their own homes for longer. It is a statutory function of district/borough councils. DFG funding is included in the Better Care Fund allocation so that the provision of adaptations can be incorporated into the strategic consideration and planning of investment to improve outcomes for service users.
- 3.2 DFG is paid to upper tier authorities (in our case Hertfordshire County Council – HCC), as part of the BCF fund. However, the statutory duty remains on local housing authorities to provide adaptations to those disabled people who qualify for it. Therefore, HCC allocate this funding to the ten district housing authorities from the pooled budget to enable district councils to continue to meet their statutory duties. Local authorities are encouraged to invest some of this funding in broader strategic capital projects – although this is a decision to be reached locally
- 3.3 The council funds DFGs in the private sector from this budget, however any adaptations to the council's own housing stock, is currently paid for via the Housing Revenue Account (HRA).
- 3.4 The total grant paid via the Better Care Fund is set out in the Financial Implications section of this report, alongside the amount that the council has paid toward facilitating DFGs. As this activity is demand led, it can be difficult to predict the demand for this fund, therefore a reasonable sum needs to be retained to ensure that the statutory duty can be fulfilled. DFGs are means tested and therefore not all people who require adaptations in the Private Sector qualify for financial assistance.
- 3.5 Each year the amount received from government has been in excess of the expenditure required to meet the statutory duties to provide DFGs and there was a sum of £2.557m set aside in the council's capital grants and contributions

unapplied account at the end of the 2020-21 financial year which had accumulated since the introduction of the BCF, due to our underspend locally.

- 3.6 The aim of widening and increasing the scope of the assistance available, together with a targeted promotional campaign to promote the assistance, is to increase take up and therefore expenditure and to reduce the underspend. However the provision of the discretionary assistance cannot be to the detriment of the mandatory DFG and there is therefore a caveat in the proposed policy that discretionary assistance is subject to the availability of sufficient funds.
- 3.7 The previous policy was primarily focused on providing physical 'traditional' adaptations such as wet rooms and stair lifts. Whilst these are retained the proposed additions are:
- Funding for warranties on equipment provided
 - Waiving of client contribution up to the first £5k and consideration of amounts over £5k
 - Top up funding for major adaptations that exceed the current grant maximum of £30k
 - Assistance of up to £10K to facilitate the move to a suitable property.
 - Assistance of up to £5k to make adaptations to facilitate hospital discharges
 - Payment of reasonable incurred fees associated with making a grant application if the application is withdrawn for reasons out of the control of the applicant for example having to go into permanent residential care.
- 3.8 The considerations set out in this report are in line with the vision, aims and objectives of the council's Older Person's Housing Strategy (2017 – 2022). Our vision is that 'Older people in Welwyn Hatfield have a range of affordable, good quality housing options, advice and support services to choose from, that will promote independence, health and well-being and contributes to improving the overall quality of life'.

Implications

4 Legal Implication(s)

- 4.1 Under the Housing Grants, Construction and Regeneration Act 1996, subject to certain eligibility criteria being met, the council has a statutory duty to provide Disabled Facilities Grants.
- 4.2 Since 18 July 2002 local authorities also have a general power to give discretionary assistance under The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 ("the Order"). The Order gives local housing authorities in England and Wales more flexibility to improve living conditions in their area and address housing issues; article 3 states that the new power enables an authority to provide assistance to any person for—
- a) The acquisition of living accommodation, where the authority wishes to purchase a person's home or as an alternative to adapting, improving or repairing it.
 - b) The adaptation or improvement of living accommodation (including by alteration, conversion, or enlargement, and by the installation of things or injection of substances).
 - c) The repair of living accommodation.
 - d) The demolition of buildings comprising or including living accommodation.

- e) The construction of replacement living accommodation to replace living accommodation that has been demolished

In addition to the above, assistance may be provided in any form (paragraph 3 (3) of the Order).

- 4.3 The order also states that a local housing authority may not exercise the power conferred by article 3 in any case unless—
 - a) They have adopted a policy for the provision of assistance under that article;
 - b) They have given public notice of the adoption of the policy;
 - c) they have secured that— a document in which the policy is set out in full is available for inspection, free of charge, at their principal office at all reasonable times; and copies of a document containing a summary of the policy may be obtained by post (on payment, where a reasonable charge is made, of the amount of the charge); and
 - d) the power is exercised in that case in accordance with that policy

5 Financial Implications

- 5.1 The amount of money received from the fund has been higher than the capital funding previously provided by central government to support DFGs and this coupled with a reduction in demand has meant that a surplus of this fund has built up.
- 5.2 The overall balance of funding set aside in the council's capital grants and contributions unapplied account at year end was just under £2.557m, which includes the balance of unutilised 2020/21 funding received from the Better Care Fund of £708k.
- 5.3 The Private Sector Housing Team will be launching an awareness Campaign to publicise Disabled Facilities Grants and other discretionary assistance which may lead to increased demand.
- 5.4 Once the policy has been approved, under Financial Regulation 4.3.4, the budget will be adjusted as required based on an expected level of demand.

6 Risk Management Implications

- 6.1 The risks related to this proposal are:
- 6.2 There must be sufficient funds to cover the demand for DFGs in the Private Sector. The current budget is considered to be more than sufficient to meet the demand for DFGs even if there is an increase in demand. This is based on the trend in demand over the last three years with a tolerance for increased demand.

Likelihood Very Low; Impact High. Risk Score Low
- 6.3 If we do not utilise the money we received from HCC this could lead to reputational risk that the council is perceived to not making best use of its resources; approval of the recommendations in this report will help mitigate this risk. There is also the possibility of having to repay HCC monies that have not been spent.

Likelihood Medium; Impact Medium. Risk Score Medium

7 Security and Terrorism Implication(s)

- 7.1 There are no security and terrorism implications arising from this report.

8 Procurement Implication(s)

8.1 There are no procurement implications arising from this report.

9 Climate Change Implication(s)

9.1 Any projects or changes to policy will refer to, and be in accordance with the corporate climate change and Fuel Poverty Strategies

10 Human Resources Implication(s)

9.1 There are no human resources implications relating to this report.

11 Health and Wellbeing Implication(s)

11.1 The recommendations in this report will have a significant impact on the health and wellbeing of residents of the borough who are considered vulnerable and qualify for the assistance set out in the policy document.

12 Communication and Engagement Implication(s)

12.1 Subject to approval, the draft policy will be sent out to the public and relevant stakeholders for consultation. This will include but will not be limited to: HCC (adult care services and children service), Age UK, Carers in Hertfordshire, Herts Ability.

12.2 The government has provided specific guidance on the drafting, adoption, publicity of policies adopted under the powers available under the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002. Specifically, "Local authorities should advise members of the public that they have adopted a policy if possible by placing a public notice in two local newspapers. Authorities may wish to supplement this with posters and leaflets and publish the policy on their website".

12.3 Once approved, the policy will also be publicised as part of an awareness raising campaign by the Private Sector Housing Team in conjunction with our Communications team.

13 Link to Corporate Priorities

13.1 The subject of this report is linked to the Council's Corporate Priority Quality Homes through managed growth and specifically to the commitment 'we will provide high quality housing, thriving neighbourhoods and sustainable communities. Producing a revised Private Sector Housing Renewal Policy is a target within the Corporate Plan. The report is also linked to a statutory requirement under Housing Grants, Construction and Regeneration Act 1996.

14 Equality and Diversity

13.1 The Equality Impact Assessment has identified that there is the potential for positive impacts on older people and people with disabilities. This is because the proposed projects will lead to improving the accessibility and standard of properties and the housing options of vulnerable residents.

Name of author	Andy Luck
Title	Private Sector Housing Manager
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Background papers

- Cabinet Housing Panel report 2 March 2021 - Disabled facilities grant funding and use of better care fund.
- Housing Assistance Policy 2008