

WELWYN HATFIELD BOROUGH COUNCIL
CABINET HOUSING PANEL 8 NOVEMBER 2021
REPORT OF THE CORPORATE DIRECTOR (HOUSING AND COMMUNITIES)

REPORT ON THE ADOPTION OF THE NEW PRIVATE SECTOR HOUSING ASSISTANCE POLICY FOLLOWING CONSULTATION

1 Executive Summary

- 1.1 The Housing Grants, Construction and Regeneration Act 1996 places a duty on a local housing authority to provide Disabled Facilities Grants (DFG). These grants are means tested and fund certain works to enable a disabled person to remain as independent as possible in their home.
- 1.2 The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002, (the Order), gives local housing authorities the power to provide assistance to any person to enable that person, amongst other things, to adapt or improve living accommodation. The power cannot be exercised by a local housing authority unless and until it has adopted and published a policy for the provision of assistance. A policy may contain a wide range of assistance at the discretion of the local authority. The policy may include additional works of repair and improvement, not included in the mandatory works listed in the 1996 Act. It may also include assistance to improve living accommodation.
- 1.3 The current Welwyn Hatfield Borough Council policy adopted under the provisions of the Order includes a range of actions to assist disabled people and other homeowners. A review of the policy highlighted a number of potential changes to increase the number of people assisted and to improve housing conditions.
- 1.4 The proposed Housing Assistance Policy is attached at Appendix A. The main proposed changes are:
1. To change the means test for Disabled Facilities Grants so that the first £5k of all contributions are paid for by the Council.
 2. Funding for warranties on any equipment provided through a DFG.
 3. Top up of funding for major adaptations that exceed the current grant maximum of £30k.
 4. Assistance of up to £10k to facilitate the move to a suitable property.
 5. Grant aid for a wider range of activity to support health and wellbeing such as falls prevention, energy advice and wellbeing actions.
 6. The introduction of a grant to assist with Hoarding clearances.
- 1.5 An earlier report of April 2021 made members aware of the council's proposed policy to amend the Housing Assistance Policy.
- 1.6 Members approved the policy set out in Appendix A, subject to consultation with key stakeholders and this report provides information on the outcome of the consultation and recommends a final draft policy.
- 1.7 More than thirty-five key stakeholder groups, including Citizen Advice, Age UK, Mind in Mid Herts, Carers in Herts, local GP social prescribers and Peartree

Wellbeing Group have been consulted and a survey which was made available to members of the public ran from 1 September to 13 October. In total we had 49 responses and the outcome of the consultation is set out at Appendix B.

- 1.8 As a result of the feedback provided through the consultation the following key amendments are proposed to the first draft Policy:
- a) Minor changes in terminology to make the policy clearer to applicants. Further information on this will be in the form of a Frequently Asked Questions (FAQ) on the relevant webpage.
 - b) To incorporate additional discretionary grants to assist the most vulnerable in the private sector.
- Addition of further information in section 4.0 – General Points

2 Recommendation(s)

- 2.1 That members note the responses to the consultation
- 2.2 That members recommend to Cabinet that the final policy set out at Appendix A is adopted. If this is unanimously agreed by the panel, for the decision to be taken by the Executive Member using their delegated powers under paragraph 18.1(b) of the Cabinet Procedure Rules.

3 Explanation

- 3.1 The Order gives local authorities the power to adopt their own adaptation policies to offer discretionary financial assistance. The adoption of a policy allows both the efficient use of the budget and improves the outcomes for disabled residents, tenants, and owner occupiers alike.
- 3.2 Offering a wider range of discretionary assistance will enable the Council to assist a greater number of disabled people, their families, and carers and to help people remain as well as possible at home.
- 3.3 The alternative to not offering discretionary assistance. This is not recommended as demand for mandatory works is insufficient to spend the increased budget received from the Ministry of Housing, Communities and Local Government (MHCLG). The funding must be spent on adaptations work and to underspend the budget is not an efficient use of public funding. Offering additional discretionary works will enable the funding to be spent as intended not only to assist disabled people but to help people remain as well as possible in their own homes.
- 3.4 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 The council has a statutory duty to provide disabled facilities grants ("DFGs").
- 4.2 Article 3 of the Regulatory Reform (Housing assistance) (England and Wales) Order 2002 ("the Order") gives a local housing authority power to provide financial assistance for the purpose of improving living conditions in their area.

- 4.3 Article 4 of the Order prohibits the giving of assistance unless the local housing authority has adopted a policy for the provision of such assistance and they have given the public notice of such adoption. Once adopted, the power to provide financial assistance must be exercised in accordance with the policy.
- 4.4 The legislative provisions governing disabled facilities grants (DFGs) are contained in the Housing Grants, Construction and Regeneration Act 1996 (as amended) (HGCRA 1996).
- 4.5 The council must comply with its public sector equality duty imposed by s149 Equality Act 2010; namely to have due regard to the need to: (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

5 Financial Implication(s)

- 5.1 The new policy will give flexibility and ability to spend the better care fund (BCF) allocation. There is currently no direct capital contribution made into the budget by Welwyn Hatfield. There is a risk that the funding from the better care fund will stop and thus stopping DFG function. As the policy will be regularly reviewed any changes in BCF funding will be mitigated.
- 5.2 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.
- 5.3 The overall balance of funding set aside in the council's capital grants and contributions unapplied account at year end was just under £2.372m, which includes the balance of unutilised 2020/21 funding received from the Better Care Fund of £680k.
- 5.4 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.
- 5.5 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:

The risks associated with not delivering these services appropriately would have implications on resident health and safety, reputation, and legal challenge. The risks will be quantified on the council's Risk Register.
- 6.2 There must be sufficient funds to cover the demand for DFGs in the Private Sector. The current budget is 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 None Noted

8 Procurement Implication(s)

8.1 None Noted

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.

9.2 It is expected that certain works will improve Energy Efficiency within the home, but no other climate change implications are expected.

10 Human Resources Implication(s)

10.1 None Noted

11 Health and Wellbeing Implication(s)

11.1 Approval of this policy will improve the health and wellbeing outcomes of the council's most vulnerable residents.

12 Communication and Engagement Implication(s)

12.1 The draft policy was consulted on widely, including key stakeholders, internal colleagues, and the general public.

12.2 The outcome of the consultation is set out in Appendix B

12.3 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".

12.4 Once approved, a customer focussed summary of 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.

13.2 Producing a revised Private Sector Housing Assistance Policy is a target within the Corporate Plan. The report is also linked to a statutory requirement, under The Housing Grants, Construction and Regeneration Act 1996 and The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 legislation.

14 Equality and Diversity

14.1 The EqIA identified that there is the potential for positive impacts on the protected groups for age, and disability, because people of all ages benefit from improvements to their domestic property.

14.2 Some assistance maybe targeted directly or indirectly at certain age groups, for example DFG's are taken up by older persons due to poor mobility in old age. DFG's also allow disabled people to remain safely in their homes, avoiding significant care costs.

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Date	21 st October 2021

Background papers to be listed (if applicable)

- Cabinet Housing Panel report July 2021

Appendices to be listed:

Appendix A

- Draft Private Sector Assistance Policy

Appendix B

- Consultation Summary