

<b>Mayor and Cabinet</b>			
<b>Title</b>	Private Sector Housing Assistance Policy		
<b>Key decision</b>	Yes	<b>Item no</b>	<b>XX</b>
<b>Wards</b>	All		
<b>Contributors</b>	Executive Director of Customer Services Head of Law		
<b>Class</b>	Part 1	January 16 <sup>th</sup> 2019	

## **1 Summary**

1.1 The current Housing Assistance Policy was originally adopted by the Council in April 2006 and amended in March 2012. Since it was amended there have been some policy and operational changes and it is considered necessary to refresh and amend the policy in light of these.

1.2 The proposed updated policy covers the following areas:

- The changed legislative framework
- The closure of the Council's Handyperson Scheme
- Removal of the Greater London Authority's (GLA) funding for bringing empty homes back into use
- The Council's housing-related response to the NHS England's document "The Integration and Better Care Fund planning requirements for 2017-19", which gives more discretion on how the better care fund can be used
- The 2018 minimum level of energy efficiency standard required to let domestic property under the Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015.

## **2 Purpose of the report**

2.1 The purpose of this report is to outline to Mayor and Cabinet the proposed refreshed Housing Assistance Policy and ask for approval for these changes.

## **3 Recommendation**

3.1 It is recommended that Mayor and Cabinet:

- Note the content of the report
- Approve the changes to the Private Sector Housing Assistance Policy, as detailed in this report and particularly set out in Appendix A.

- Delegate authority to the Executive Director for Customer Services to make minor amendments to the Housing Assistance Policy, as detailed in 6.4.

## 4 Policy Context

- 4.1 Delivery of the Council's Private Sector Housing Assistance Policy contributes to the achievement of the Council's corporate priorities, including:
- **Decent Homes for All** – by investment in providing units of affordable housing and improving housing conditions
  - **Safety, Security and Visible presence** – by providing grants that include improving home security measures
  - **Caring for adults and vulnerable people** – by helping fund disabled adaptations to support people to continue to live as independently as possible within their community.
- 4.2 The Council has a statutory responsibility to provide mandatory Disabled Facilities Grants (DFGs) under the Housing Grants, Construction and Regeneration Act, 1996. Under the Regulatory Reform (Housing Assistance) Order 2002 the council has discretion to provide additional grants and loans.
- 4.3 Empty Homes Grants are one of a range of options to help bring long-term empty properties (empty for more than 6 months) back into use for homeless families. These save the Council £5,000 per annum per letting for any property available as an alternative to B&B. Bringing empty homes back into use also helps the Council maximise its New Homes Bonus. In 2017, the pot of funding provided by the Greater London Authority (GLA) to bring empty properties back into use has come to an end. In light of this capital funding was approved for an additional £200,000 for this programme for the two years 2017/18 and 2018/19.
- 4.4 On the 10<sup>th</sup> December 2018 an external review of DFG's by the University of the West England was published. Officers will review the recommendations in this report and embed these within future improvements to the administration of the BCF.

## 5 Background

- 5.1 The Private Sector Housing Agency (PSHA) has responsibility for improving housing conditions in the private housing sector in the borough. The key aims of the housing assistance policy are to:
- Improve health outcomes and promote independent living
  - Delay and reduce the need for long term care and support
  - Improve the sustainability of private sector homes
  - Bring empty properties back into residential use
  - Work collaboratively to support the Council's mandatory and additional licensing scheme and improve poor housing conditions within the private rented sector.

- 5.2 In 2017-18 we helped 108 residents with adaptations and/or repairs and improvements to their homes. These works have a significant impact on helping supporting residents to live safely and independently in their own home and contributes to a well maintained private housing sector across the borough. This increases housing choice and customer satisfaction; contributes positively to the health and well-being of local residents; supports customers to remain in their own homes; helps to maximise supply and promotes the development of a minimum set of standards for residential letting within the private sector.
- 5.3 We ask disabled facilities grants clients for their views of the service and the impact adaptations and repairs have had on their lives. Of the 12 clients who returned a form and provided a comment(s) during 2017-18, 78% told us that the adaptations/repairs had improved their wellbeing/quality of life and 44% said that the improvements made them feel more secure.
- 5.4 There are four main grants and loans schemes that are administered by Lewisham Council:
1. **Disabled facilities grant and discretionary disabled adaptations loan.** This enables households to access grant and loan money to adapt their homes to meet a disabled person's needs.
  2. **Home repairs grants and loans.** This helps residents fund essential repairs to their home, bringing them up to a decent homes standard. A resident is able to access a small grant, and further apply for a loan for a combined total of £30,000.
  3. **Private landlord grants** to improve private rental sector properties
  4. **Empty homes grants** to bring empty homes into use
- 5.5 During 2017/18, the council provided loans, grants and other assistance to improve around one hundred homes in the borough. Seventy two disabled facilities grants and 22 home repair grants were provided. These included providing stairlifts and ramps to help minimise the risk from falls on the stairs and on the level. The impact of these adaptations improves safety and wellbeing and prevents falls which would otherwise require urgent transfer to acute hospital care.
- 5.6 Plans underway to better promote and target these grants and loans to customers in most need as well as streamlining the process making delivery quicker for customers
- 5.7 Key amendments to the Housing Assistance Policy are proposed in this paper to make it easier for grants and loans to be administered, and to re-balance the level of grant and loan assistance available given the increase in costs in completing work since the policy was last amended in 2012.

## 6 Key amendments contained in the revised Policy for discussion

- 6.1 Changes to the refreshed Policy document are set out in full in Appendix B. All proposed changes are assimilated into the draft policy at Appendix A.
- 6.2 A number of minor changes bring the policy up to date. These minor changes include:
- Updated context and description sections in the policy
  - Minor threshold changes to provide more assistance under the help to move policy
  - Minor changes to fee structures
  - New services such as home maintenance service and empty property inspection service
- 6.3 There are four larger key changes to highlight:
- 6.3.1 Following the closure of the Handypersons Scheme in July 2017, reference to this service has been removed from the policy. Members can note that a handyperson service is provided by Lewisham Homes.
- 6.3.2 It is proposed that the level of grant available under the home repairs grant is increased from £3000 to £5000. This increase is to reflect the increase in costs of minor works (including boiler replacement) between 2012 and the present day. The total amount made available through the grant and loan combined will remain unchanged at £30,000, meaning the loan is now up to £25,000. Under the current policy, the cost of some minor works (for example a boiler replacement) needs to be split between a grant and loan application. This increases the time taken to administer the applications and carry out the work. By increasing the grant element, a range of minor works can be completed within the grant maximum of £5000.
- 6.3.3 It is proposed that the current Discretionary Disabled Adaptations Loan (DDAL) be funded by the Better Care Fund (BCF) for Disabled Facilities Grant (DFG) rather than the Council's capital programme budget. The DDAL is used to top up funding of adaptations where the statutory amounts granted under the DFG are at maximum. This change aligns the funding of the loan element of the DDAL to the BCF. It is also proposed that the loan available is increased from £15,000 to £30,000 to take into account the cost of extensions/adaptations to meet the complex needs of disabled children and adults. The average extension adaptation costs around £47,500 and enables the vulnerable child or adult to participate as fully as possible in family life.
- 6.3.4 It is also proposed that key equipment to help clients live independently in their home is fast tracked, including where the individual needs urgent work undertaken to enable a discharge

from hospital, such as provision of stairlifts or ceiling track hoists which prevent falls from a height - it is proposed that these are expedited through a discretionary Fast Track Disabled Facilities Grant (FTDFG), also funded by the BCF. A key change is that where an application is expedited under this proposed policy, a means test will be waived. The reason for this is two-fold –

- It is underpinned by research and advice provided by the Royal Society for the Prevention of Accidents (RoSPA) that *“the most serious falls take place in the home, with the kitchen and staircases being the most common. In fact, 60% of deaths results from accidents on stairs<sup>1</sup>”*, and
- Long delays are often experienced in waiting to receive clients’ financial evidence to support their application. By removing the means test, assistance can be provided to help disabled residents with funding to install a stairlift quickly without the need to go through the Mandatory Disabled Facilities Grant (DFG) process and financial means test. The context for these two proposals is set in 6.4 below.

6.3.5 Plans for use of the BCF are agreed between the Council and the CCG through the s.75 Agreement Management Group. The above proposals relating to the BCF were approved at the s75 group meeting on the 4th December 2018.

6.4 It is recommended that delegated authority is given to allow the Executive Director for Customer Services to approve minor changes to the policy. Approval will continue to be sought by M&C for policy and financial changes where the change will reduce a service provided or decrease a loan/grant amount, or when grant and loans values are substantially increased.

#### Supporting evidence for proposed change: stairlifts and ceiling track hoists

6.5 Between the 1<sup>st</sup> April and 31<sup>st</sup> August 2018, the Council approved 10 disabled facilities grants to help residents fund a stairlift at their property. Of the 10 applicants, only 3 needed to make a financial contribution towards their grant work; two contributed less than £300 and one resident contributed £718.37. One grant was approved for a ceiling track hoist over the same period and the applicant did not need to make a financial contribution. The time taken to complete a thorough means test required by the existing policy is quite substantial in many cases and can lead to customers abandoning the process as collecting all of the required financial evidence can be time consuming and difficult for many customers especially those who are elderly and frail. For instance, for the 11 clients referred for a DFG between 1<sup>st</sup> June and 31<sup>st</sup> August one of the recommendations was for a stairlift/vertical lift in 3 cases the evidence is still outstanding and in 7 cases it took an average of 5 weeks to receive evidence. One case was closed.

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<sup>1</sup> <https://www.rosipa.com/lets-talk-about/2017/october/slips,-trips-and-falls/>

- 6.6 Under the proposed changes none of these residents would be put through the onerous financial means testing and these would have been helped with these installations more quickly.
- 6.7 As at 30<sup>th</sup> September, the PSHA had 46 open cases where an application or financial evidence is still outstanding. Of these cases, a fast track DFG could help fund 14 stairlifts and 6 ceiling track hoists.

## 7 Legal implications

- 7.1 The Council is a public authority within the terms of the Human Rights Act 1998. As such, the Council is required to act compatibly with the convention rights in the exercise of their functions.
- 7.2 The Regulatory Reform (Housing Assistance) England and Wales) Order 2002 confers on local housing authorities in England and Wales a power to improve living conditions in their area. The power enables an authority to provide assistance to any person for –
- “a) the acquisition of living accommodation, where the authority wish 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, 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....

Authorities are empowered to require the provision of information and evidence for the purposes of, or in connection with, the power (Art. 6).”

- 7.3 The Equality Act 2010 (the Act) introduced a public sector equality duty (the equality duty or the duty). It covers the following protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 7.4 In summary, the Council must, in the exercise of its functions, have due regard to the need to:
- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
  - advance equality of opportunity between people who share a protected characteristic and those who do not.

- foster good relations between people who share a protected characteristic and those who do not.

- 7.5 It is not an absolute requirement to eliminate unlawful discrimination, harassment, victimisation or other prohibited conduct, or to promote equality of opportunity or foster good relations between persons who share a protected characteristic and those who do not. It is a duty to have due regard to the need to achieve the goals listed above.
- 7.6 The weight to be attached to the duty will be dependent on the nature of the decision and the circumstances in which it is made. This is a matter for Mayor and Cabinet, bearing in mind the issues of relevance and proportionality. The Mayor and Cabinet must understand the impact or likely impact of the decision on those with protected characteristics who are potentially affected by the decision. The extent of the duty will necessarily vary from case to case and due regard is such regard as is appropriate in all the circumstances.
- 7.7 The Equality and Human Rights Commission has issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at:  
<https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-codes-practice>

<https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-technical-guidance>

- 7.8 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
- [The essential guide to the public sector equality duty](#)
  - [Meeting the equality duty in policy and decision-making](#)
  - [Engagement and the equality duty: A guide for public authorities](#)
  - [Objectives and the equality duty. A guide for public authorities](#)
  - [Equality Information and the Equality Duty: A Guide for Public Authorities](#)
- 7.9 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to

meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at:

<https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance#h1>

## 8 Financial implications

8.1 The Council's capital budgets and spend on the Private Sector Housing Assistance Policy over the last 4 years is set out below.

Year	Budget	Spend as at year-end
2015-16	DFGs £700,000 Discretionary £600,000	DFGs £764,026 Discretionary £458,025
2016-17	DFGs £989,053 (An allocation of £1,053,080 less an overspend of £64,027)  Discretionary £741,975	DFGs £920,315  Discretionary £155,904
2017-18	DFGs £1,322,033 (An allocation of £1,146,853, an additional allocation of £106,443 plus an underspend of £68,737)  Discretionary £1,186,070	DFGs £812,696.75  Discretionary £249,823.47
2018-19	DFGs £1,749,960.76 (An allocation of £1,240,624 plus an underspend of £509,335.80)  Discretionary £1,266,247.70 (An allocation of £600,000 plus an underspend of £936,247. less a transfer of £200,000 to Tackling Empty Homes and £70,000 to the Cash incentive Scheme)	N/A

8.2 It is proposed that the level of grant available under the home repairs (HRG) is increased by £2,000 from £3,000 to £5,000, which is to recognise the increase in costs of minor works between 2012 and the present day. The total amount made available through the grant and loan will remain unchanged, at £30,000, meaning the loan amount will reduce to £25,000 (from £27,000). In addition, it is also proposed to clarify and update the eligible professional fee charges applied by the service.

8.3 Increasing the level of home repairs grant will potentially result in increased demand to the capital budget to make-up for the reduction in client contributions through the repayment of the loan amount.

8.4 However, it is felt that the resources as currently allocated are sufficient to cover this potential shortfall.



- 8.5 The DFG is now part of the Better Care Fund (BCF). Plans for use of the BCF are agreed between the Council and the CCG through the s.75 Agreement Management Group. The proposals for variations in use of the DFG was considered and agreed by this group at their meeting held on 4<sup>th</sup> December 2018.
- 8.6 All loans are registered as a charge on the affected property with HM Land Registry and must be repaid if the property is disposed of, or if any other loan condition is not complied with.

## **9 Crime and Disorder Implications**

- 9.1 Poor housing conditions and empty properties are likely to attract and increase anti-social behaviour and crime. Improving housing standards and bringing empty homes back into use as residential accommodation should have a positive effect on crime and disorder.

## **10 Environmental implications**

- 10.1 Bringing empty properties back into use and improving homes, particularly externally, help to improve the Street Scene and encourages other owners in the vicinity to maintain and improve their own properties. The proposed Accredited Landlords Assistance and Empty Property Grant and Loan includes work to bring the property up to at least EPC rating of 'E' will support the delivery of the Council's Sustainability Strategy. It will also support accredited private sector landlords to achieve the minimum standard set out in the Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 if their property does not already meet this standard. All homes let under a new tenancy to new or existing tenants have to meet the minimum standard from April 2018, it effects all private rented properties whether or not they are let under an existing tenancy from April 2020.

## **11 Equalities implications**

- 11.1 A majority of grants and loans are awarded to improve the housing standards occupied by elderly and vulnerable households who are in the greatest financial need.
- 11.2 The fast track DFG would enable disabled people who are having difficulty managing the stairs or indeed currently receiving support to get upstairs to be able to safely move between the levels in their home between bedroom, bathroom and ground floor level. Ceiling track hoists will enable children and adults to move around their home more easily to enable safer transfer and bathing.
- 11.3 The provision of Empty Property Grants enables the Council to support the owners of long-term empty properties to bring them back into use as temporary accommodation to meet local housing needs. The proposed Empty Property Loan will support empty property owners to bring them back into use for their own occupation, or

letting in the private rental property market thereby supporting good quality accommodation in this marketplace.

## **12 Conclusion on key changes for discussion**

- 12.1 Increasing the amount provided through Home Repairs Grants (HRG) together with the extended grant condition term would allow the Council to help its residents with smaller scale improvements that cost in excess of £3,000 whilst still being able to recover funding through the current 5-year grant condition period.
- 12.2 Providing a Fast Track DFG will help disabled applicants needing a stairlift or ceiling track hoist to have the equipment installed more efficiently than through the mandatory DFG process and help those needing to be discharged from hospital to have urgent work undertaken to enable them to leave hospital and live more independently at home within their community.

## **13 Appendices**

- Appendix A – Proposed revised Housing Assistance Policy – October 2018
- Appendix B – Summary of 2018 changes

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