

BASSETLAW DISTRICT COUNCIL

PRIVATE SECTOR HOUSING STRATEGY

2008 - 2015

CONTENTS

1. Introduction
2. National Policy
3. Links with other strategies
4. Housing Renewal
5. Disabled Facilities Grants
6. Home Improvement Agency
7. Private Rented Sector

Appendix A: Grant Conditions - Decent Homes Grants / Warmfront Grants

Appendix B: Definition of Vulnerable

Appendix C: Grant Conditions - Disabled Facilities Grants

Appendix D: Private Sector Housing Enforcement Policy

SECTION ONE: INTRODUCTION

1.1 Profile of the District

Housing Investment Programme Returns (2008) indicate that there are 49,392 dwellings in the District with 41,384 in the private sector. Up to 4,000 of the Private Sector Properties are owned by Private Landlords and available for rent.

It is estimated that approximately 2500 private sector properties are empty, with approximately 600 long term run down voids that have been vacant for more than 6 months. (representing 6.04% and 1.44 % of the stock respectively) Few of the properties within Bassetlaw are multi-occupied, with an estimate of less than 100 in total, of which 6 are currently Licensed.

The condition of the Housing Stock in the Private Sector is considered to be reasonable, with no large areas of run down housing, though there are smaller areas of older housing to both Worksop and Retford where stock condition is mixed. A Housing Stock Condition Survey completed by PPS in 2006 conducted in partnership with other local authorities indicated 29% (11,850) of the private sector stock did not meet the Governments Decent Homes Standard with failure in thermal comfort being the main reason for failure (18.6%), followed by disrepair (12.8%) and category 1 hazards (10.1%). The cost of remedying these defects is estimated at £34.2 million. (average £3,300 per dwelling).

The House Condition Survey estimates that 56% of vulnerable residents reside in dwellings meeting the decent homes standard, a shortfall of 880 dwellings based on the 2005/2006 PSA7 target, rising to 1360 properties against the 2010/2011 target..

Further detailed information in respect of the stock condition and other aspects of private sector housing can be found on a jointly commissioned website at www.hi4em.org.uk

1.2 The Councils Private Sector Housing Service

The Council addresses its private sector housing responsibilities through its Environment and Housing Services. The administration of grants for the renovation and renewal of property, as well as disabled facilities grants, energy efficiency and affordable warmth are dealt with by the Housing Grants Section.

Stock condition surveys and enforcement action are dealt with by the Councils Environmental Health Unit. Other aspects including affordable housing are the responsibility of the Councils Strategic Housing Function.

1.3 Equalities Impact Assessment

An Equalities Impact Assessment has been undertaken in respect of this Strategy and there have been found to be no adverse factors arising from it in respect of gender, sexuality, age, race or religion. Copies of the Equalities Impact Assessment is available from the Council's Strategic Housing Unit.

SECTION TWO: NATIONAL POLICY

2.1 Regulatory Reform (Housing Assistance) Order 2002

The Regulatory Return (Housing Assistance) (England and Wales) Order 2002 came into force on 18 July 2003 and was amended 31st December 2005. The Order replaces the previous grants regime and introduces freedom for Local Authorities to deliver assistance in the private sector in any way it deems appropriate.

In brief the Order introduced the following changes:-

- Introduced a new general power enabling local housing authorities to provide assistance for housing renewal.
- Repeals sections of the Housing Grants Construction and Regeneration Act 1996 effectively removing Renovation Grants, Home Repair Assistance Grants, Common Parts Grants, Houses in Multiple Occupation grants and Group Repair grants.
- Repeals the provisions of the Housing Act 1985 relating to loans given by local housing authorities for housing renewal.
- Streamlines the provision governing the declaration and operation of Renewal Areas.
- Makes minor changes to the provisions in relation to Disabled Facilities Grants.
- Provides for assistance to be given for repair, improvement and adaptations of housing and also for the demolition of a dwelling and to help rebuilding costs.

2.2 Decent Homes Programme

The Governments Aims as outlined in Public Service Agreement 7 is for 70% of all vulnerable households in the private sector to be living in houses that meet the Decent Homes Standard by 2010, with the proportion increasing to 75% by 2020.

A decent home must meet the following criteria:-

- Free from Category 1 Hazards as defined by the Health and Safety Rating System. This is a statutory enforceable standard. It is not a comfort standard.
- Be in a reasonable state or repair
- Have reasonably modern facilities and amenities, i.e. kitchen and bathroom.
- Provide a reasonable degree of thermal comfort.

2.3 Housing Health and Safety Rating System (HHSRS)

The HHSRS now replaces Housing Fitness Standards. The principal behind HHSRS is that 'a dwelling, yard and / or any amenity space should provide a safe and healthy environment for the occupant and visitor'.

The HHRSR is a principle element of the Decent Homes Standard and both are therefore central to the services delivered by the Council.

SECTION THREE: LINKS WITH OTHER STRATEGIES

3.1 Corporate Plan

The Councils key objectives are:-

- Clean and Green
- Safe and Strong
- Jobs and Enterprise
- Efficient and Effective

Housing is identified as one of the Councils flagship services within the Corporate Plan. This strategy supports the 'Clean and Green' objective through our Decent Homes Programme and our energy partnership through Warm Front. Our Disabled Facilities Grants Programme is targeted to create a safe home environment for some of the most disadvantaged residents. We strongly support local jobs and enterprise in the building industry by tendering to an approved list of local contractors in respect of our Housing Grants Programme.

3.2 Area Housing Strategy

The most recent Area Housing Strategy was published in 2006 and achieved 'Fit for Purpose' status from the Government Office for the East Midlands. One of the Key Themes within the Strategy is the provision of decent houses for all. The strategy can be viewed on the Council's website www.Bassetlaw.gov.uk.

3.3 Older Persons Strategy

This was completed in 2007 and addresses issues relating to both the public and private sector housing stock in relation to older people. The Strategy reflects objectives within the Local Area Agreement to enable older residents to live within their own houses, in a safe environment, in comfort. There are links to government objectives in respect of 'falls prevention' and 'facilitating hospital discharges that have resulted in the 'fast tracking' of disabled facilities grants where appropriate within our service.

3.4 East Midlands Regional Housing Strategy

The Council supports the strategic priorities set out in the East Midlands Regional Housing Strategy Statement 'viewpoints on Housing'. In particular, this policy seeks to address the priority of ensuring that housing stock is brought up to acceptable standards.

The East Midlands Housing Strategy is currently being reviewed by the East Midlands Development Agency with consultation ongoing (Autumn 2007).

3.5 Supporting People Strategy

Since April 2003, under the new Supporting People programme, local authority housing services and social services have been working in partnership with other stakeholders to address the needs of vulnerable people.

Through the Councils partnerships with Nottinghamshire County Council and the Supporting People Partnership on Nottinghamshire, a wide range of advice, support

and assistance is provided to elderly, disabled and vulnerable people, who privately rent, or own and live in their own property.

The Nottinghamshire Supporting People Strategy can be viewed on their website at www.nottssupportingpeople.org.uk .

3.6 Homelessness Strategy

The Private Sector is potentially a valuable resource to assist the Council in addressing Homelessness issues.

In October 2007 the Council's Cabinet agreed to a restructuring of the Council's Homelessness Service widening it's remit to that of a Housing Needs Service focusing on prevention rather than assessment. We wish to encourage people in need of accommodation to consider and accept private sector properties as a positive choice. Where possible our officers are prepared to work with landlords and tenants if a tenancy is at risk. We can also assist tenants in accessing Tenancy Sustainment Services provided by various other statutory and voluntary agencies in the district.

We have introduced the following measures to help achieve these objectives

- Homelessness Prevention Fund
- Rent Deposit Scheme
- Fast tracking of Housing Benefit Claims to prevent homelessness
- Discretionary Housing Benefit Payments to prevent homelessness
- Landlords register (in partnership with voluntary sector)
- Landlords Forum
- Home visiting service

Our most recent Homelessness Strategy, which was published in 2005, is currently under review and it is anticipated a revised strategy will be completed in 2008.

SECTION FOUR: HOUSING RENEWAL

4.1 Overview

The Regulatory Reform Order (Housing Assistance) 2002 empowers the Council to deliver assistance in any way it deems appropriate.

As Bassetlaw does not have significantly large concentrations of poor private sector housing, and as the Council is charged with reducing the number of vulnerable people living in non decent housing in the private sector (PSA 7 targets), our Strategy is to prioritise works in private sector households occupied by vulnerable people. We have therefore not declared any specific 'renewal areas', though we may in future elect to target publicity at specific geographical areas where there are high concentrations of vulnerable people living in housing that does not meet the Decent Homes Standard. These can easily be identified from the PPS stock condition survey now found on the website jointly developed with other local authorities (see para 1.1)

Our range of grants is aimed to reflect this approach.

4.2 Financial Resources

Government subsidy is paid to the Council in the form of Decent Homes Grant. The level of subsidy is determined annually. This subsidy CAN ONLY be expended on grants or loans for private sector properties occupied by vulnerable people as defined in 'A Decent Home: Definition and guidance for implementation' published by DCLG in June 2006, to bring properties they occupy either partly or fully to the Decent Homes Standard. Any additional works above the subsidy level within the Private Sector, and any works to properties not occupied by persons classed as vulnerable, have to be funded from the Councils own resources (normally Capital Receipts). This restricts the Councils ability to support other works. Our 'Grant's Policy' reflects this funding regime. Should funding arrangements change it may be necessary to reflect this through review of the policy.

4.3 Loans or Grants?

The Council do not see its role as providing finance to owners to improve properties that they may subsequently wish to sell for short-term profit. Our range of grants is therefore targeted to vulnerable people, with some assistance also available to other owners such as landlords who contribute to wider strategic objectives relating to shortfalls in the supply of rented properties in the district. Our policies for Decent Homes Grants therefore contain repayment provisions within specific timescales, after which the loan effectively becomes a grant until such time as the property is sold. We have also sought to simplify our repayment provisions to give clarity and equity.

4.4 Energy Efficiency

We currently work in partnership with neighbouring local authorities through the Warm Front partnership. The Warm Front grant programme makes an important contribution to meeting the thermal comfort criterion of the Decent Homes Standard. Our partnership works closely with scheme managers to maximise take up of resources by homeowners and private sector tenants, share information about vulnerable occupiers, and where necessary, supplement the programme to ensure the decency standard is achieved.

SECTION FIVE: DISABLED FACILITIES GRANTS

5.1 Overview

Disabled Facilities Grants (DFG's) are provided to adapt the homes of disabled people to meet their needs. The need for the adaptation is determined by an Occupational Therapist (OT) from Nottinghamshire County Council's Adult Social Care and Health Department. Applications for grant will only be considered following a recommendation from an OT. All such applications will be assessed by the Council to ensure that the work is necessary and appropriate.

Discretionary DFG's may also be provided, to assist disabled people to move to a more suitable property where this is more cost effective than adapting their current properties. This does not form part of the mandatory scheme.

5.2 Purpose of Disabled Facilities Grants

The main purpose of disabled facilities grants is to adapt the dwellings of disabled people so that it is possible for them to remain safely in their homes. This may mean enabling disabled people to be more able to care for them-selves or making it easier for carers to look after disabled people.

The Good Practice Guide specifies the types of works that fall into the scheme as follows:

- **Facilitating access and provision** – these include works to remove or overcome any obstacles that prevent a disabled person moving freely into and around the dwellings and enjoying its use. The presumption is that a disabled person should have reasonable access into their home, to its main habitable rooms and to the bathroom or shower room. Grants for stair lifts are given under this section;
- **Making a dwelling or building safe** – it is considered inappropriate to be prescriptive on the particular works that might be carried out under this section as the specification will depend on circumstances. However they may include improving a lighting system, providing an enhanced alarm system or adapting the dwelling to minimise the risk of danger where a disabled person has behavioural problems which occasionally cause the person to act in a boisterous or violent manner damaging the dwelling, resulting in self harm or harm to other people;
- **Room usable for sleeping** – the provision of a room usable for sleeping may be considered if the adaptation of an existing room or the access to that room is unsuitable;
- **Bathroom** – a disabled person should have access to a wash-basin, a WC and a shower or a bath (or if appropriate, a shower and a bath). This section may be used to provide these facilities and / or facilitate their use;
- **Preparation of and cooking of food** – this section allows the Council to offer disabled facilities grant to adapt kitchens to enable a disabled person to cater independently. It should be noted that where most of the cooking

and preparation is done by another family member it will not normally be appropriate to carry out full adaptation of the kitchen;

- **Heating, lighting and power** – this section provides for the provision of improvement of a heating system to meet a disabled persons needs. Heating will not normally be provided in rooms that the disabled person does not use and the installation of a full central heating system should only be considered where the well being and mobility of the disabled person would otherwise be affected. In addition this section allows for the adaptation of heating, lighting and power controls to make them suitable for use by a disabled person;
- **Dependent Residents** – disabled facilities grants may be given for works to enable a disabled occupant better access and movement around the dwelling in order to care for another person who normally resides there;

Common parts – disabled facilities grants may be given for works to facilitate access to a dwelling through the common parts of a building.

The maximum limit for mandatory disabled facilities grants is currently £30000. In the event of the eligible works exceeding the amount payable under the provisions of the grant the applicant can apply to the Nottinghamshire County Council's Adult Social Care and Health Department for a top-up payment to make up the shortfall. Such submissions will be considered only where hardship can be proven to the satisfaction of the County Council. The County Council will apply this principle where an "unaffordable" contribution has been identified. When this condition is seen to be met following appropriate enquiries additional support funding of up to £10,000 may be made available to joint finance the approved scheme.

In circumstances where the works to be undertaken are costed at less than £1000 the works will be normally be funded by the County Council.

5.3 Discretionary Assistance for Disabled Facilities and Adaptations

- Article 3 of the Regulatory Reform Order enables local authorities to give discretionary assistance in any form for adaptation or to help the occupant to move to alternative living accommodation.
- Bassetlaw District Council will give such assistance in the form of grants according to the financial resources available to the Council at the time of the application. Works that may qualify for discretionary disabled facilities grants may include:-
 - Particularly expensive works costing above the normal maximum (currently £30,000), where the applicant cannot fund the additional costs by other reasonable means;
 - Providing a safe play area for a disabled child;
 - Providing adaptations to allow disabled occupants to receive specialised care or medical treatment in their own homes;

- Providing access to a garden adjacent to a property where the disabled person is unable to gain such access from the dwelling through existing doors or pathways;
- Adapting or providing a room to be used by a disabled person who is housebound but is able to work from home;
- Providing more satisfactory internal living arrangements for a disabled occupant where the works are of direct benefit to the disabled occupant rather than other members of the household. Such works might include extending or enlarging a dwelling that is already suitable for the disabled person in all other respects.
- Assisting a disabled person to move to a more suitable property where it is more cost effective than adapting the current home to make it suitable for the occupants present and future needs, even though the new property may require some adaptation.
- In the unlikely circumstance of the cost of the relevant works exceeding the joint funded total of £40,000 the Head of Environment and Housing Services has the discretion to top up the mandatory disabled facilities grant to a maximum of £35,000 thereby raising the combined grant contribution to £45,000.

5.4 Eligibility

- In all cases it is necessary that the works specified will meet the needs of the disabled person. For this reason it is essential that close liaison is maintained with the referring Occupational Therapist. In general terms an Occupational Therapist employed by Nottinghamshire County Council will determine the needs of a disabled person and Bassetlaw District Council's Housing Grants Service will determine whether it is reasonable and practicable to carry out the proposed works.
- Disabled facilities grants are available for owner-occupiers and tenants. The circumstances in which each of these groups of people may be eligible for grants are set out in the Housing Grants Construction and Regeneration Act 1996 and subsequent guidance.

5.5 Test of Resources

All applications are subject to a test of the financial resources (means testing) of the disabled person other than for applications in respect of disabled children. The form of this test is prescribed in legislation and is not under the control of the Council. Applicants may be screened using a 'cut-down' preliminary test of financial resources where appropriate, before processing to a full test at the time of formal application, in order to simplify the process for applicants.

For Disabled Facilities Grants means testing will take in to account the financial circumstances of the disabled person and other family members prescribed in the relevant regulations.

5.6 Finance

The Council receive an annual subsidy of 60% of eligible expenditure up to a fixed amount annually from Central Government. The council has to fund 40% of eligible expenditure up to this thresh-hold. All expenditure over and above this has to be met from the Councils own resources.

5.7 Links to Decent Homes Standards

Wherever possible the Council will endeavour to ensure properties occupied by applicants where disabled facilities works are being undertaken are also brought to the Decent Homes Standards. In such cases it may be appropriate to offer a top up through Decent Homes Grant or a Warm Front Grant.

SECTION SIX: HOME IMPROVEMENT AGENCY

6.1 Overview

In Nottinghamshire all Local Authorities other than Bassetlaw outsource all or part of their grants activity to Home Improvement Agencies (HIA's). In addition to mainstream Capital Programmes these may include areas of activity such as handyperson's services, hospital discharge schemes and fire safety. The remit of HIA's varies between different Local Authorities and in some cases individual services may be retained 'in house'. In most cases HIA's cover more than one local authority and they receive a subsidy for running costs from the Nottinghamshire Supporting People Partnership.

Currently in Bassetlaw all Private Sector Housing Grants are administered 'in house'. Our staffing costs are financed in full by fees from applicants with any excess being ploughed back in to services. The Councils is considering options in respect of setting up a Home Improvement Agency in line with aspirations of the Nottinghamshire Supporting People Partnership and central government, but will need assurance that the service will not be financially disadvantaged through this process.

We are seeking to extend the service provided by our Housing Grants Team beyond the traditional role of administering Disabled Facilities Grants and Decent Homes Grants (previously Renovation Grants) payments and works. This is demonstrated to our commitment to partnership working with other local authorities in respect of the 'Warm Front' project and our innovative piloting of a low cost Preventive Adaptations Service that was launched in September 2007.

SECTION SEVEN: PRIVATE RENTED SECTOR

7.1 Overview

There are approximately 4150 properties in Bassetlaw that fall within the private rented sector.

In respect of this sector the Council has two key objectives:-

- To ensure tenants in the private sector live in accommodation that meets the Decent Homes Standard and HHSRS requirements.
- To increase the availability of accommodation within the Private Sector to Homeless People.(please also refer to the Council's Homelessness Strategy which is available on our website at www.bassetlaw.gov.uk).

7.2 Grants Available to Private Sector Landlords

These are outlined at Appendix A2

Our aims are to encourage Private Landlords to maintain existing properties to a high standard and encourage them to bring empty properties back in to use, thus increasing the supply of rented accommodation available within our community.

7.3 Powers of Enforcement

There is a wide ranging of powers of enforcement available to the Councils Environmental Health Unit in respect of properties in the private sector. A schedule outlining this is included at Appendix D.

7.4 Empty Private Sector Dwellings

Empty dwellings represent both a waste of a valuable housing resource and are frequently a source of serious blight to otherwise attractive neighbourhoods. The reoccupation of empty dwellings could help to satisfy the current demand for additional housing and could reduce the pressure on the government target to build three million new dwellings by 2020.

The Council has a commitment to work to bring empty properties back into use, this commitment is detailed in both the Council's Best Value Performance Plan and the Environment and Housing Service Delivery Plan. To support this commitment, the Service has convened an interdepartmental Empty Property Working Group that aims is to work corporately to bring properties back to use and to monitor the success of the Empty Property Strategy.

The renovation of run down empty dwellings can encourage the owners of neighbouring dwellings to invest in and renovate their own homes rather than move to "better" neighbourhoods, and so promote area regeneration.

The reasons why a property has been allowed to become vacant and unused for a protracted period of time are complex. In many situations it is possible that the owner simply has no clear idea of what to do to bring the property back into use. In these circumstances, there is scope for the Council to intervene and offer advice to the property owner. The primary objective at this stage of offering advice is to get the owner to accept that the property cannot be left in its current condition, but working

with the Council, it may be possible to arrive at a solution that is mutually beneficial to both parties.

Informal Action.

The scope of advice offered by the Council is as follows,

- a) Sale on the open market.
- b) Sale to a property developer identified by the Council.
- c) Sale to a Housing Association.
- d) Lease to a Housing Association.
- e) Renovation with or without the benefit of Grant aid from the Council
- f) Conversion to business premises.

In some situations, offering advice alone may not be sufficient to prompt the owner into action and in such situations, the Council may be prepared to offer additional practical assistance. For example, officers have, in the past, met estate agents on site in order to further help owners to market their property.

The renovation of a property by the owner himself is always a possibility and the council does, therefore, offer grant assistance to aid this process.

Further, more punitive, measures have also been put in place to discourage owners from leaving their properties unoccupied. Council Tax discounts are now no longer available for long-term empty properties.

Formal Action

Formal action will be considered when an informal approach has failed, or when the effect of the empty property on neighbouring residents is so severe as to warrant immediate action.

In many circumstances, property owners may need to be persuaded that dealing with an empty property will be less tiresome than not dealing with it. The Council may be in a position to persuade owners to act by, for example, serving a notice requiring a property to be secured and then recovering the costs of the works. This may make a property owner realise that an empty property is a real hassle, and that the course of least resistance has now shifted in favour of taking action to bring the property back into use. The mere threat of formal action, for example a threat to serve an Improvement Notice, together with the offer of a possible escape route, such as help finding a buyer, may be enough incentive to tackle the problem.

Formal Action will take two forms.

- a) Dealing with the symptoms of the empty property
- b) Dealing with the empty property itself.

Empty properties cause blight not only due to their dilapidated state, but also because of the likelihood of break ins and rubbish dumping. Although the long-term goal is likely to be the renovation and reoccupation of the property, this may take some time. In the mean time, it will be necessary to remove the symptoms of the empty property. This will serve two purposes, it will improve the living conditions of the immediate neighbours, and may, if works in default result in a charge to the owner, be a spur to the owner to achieve our long term goal of renovation and reoccupation.

The immediate symptoms arising from an empty property can be alleviated in a number of ways. Where unauthorised access is taking place, it will be appropriate to serve notice on the owner of the property requiring that the property is boarded up, and if the owner fails to complete the works, to carry out works in default. If the property continues to be broken into, then consideration will be given to the bricking up of vulnerable window and door openings. Because a boarded up property is itself a cause of blight, properties will not be boarded up as a matter of course, but only if it can be shown that unauthorised access is being gained.

Empty properties frequently attract rubbish dumping. Powers under the Environmental Protection Act 1990 will be used if a Statutory Nuisance can be confirmed in order to have rubbish removed. Other powers under the Town and Country Planning Act, Prevention of Damage by Pests Act 1949 and Public Health Act 1961 will also be considered where appropriate. In all circumstances, every attempt will be made to recharge the cost of the works to the owner of the property, both to recover the Council's costs and as a means of encouraging the owner to take further action.

The Council has powers under both the Housing Act 2004 and Building Act 1984 to require a property owner to renovate their property. The Council will consider using these powers where they present the most practicable means of bringing a property back into use. Where use of such powers fails to encourage the owner to act, consideration will be given to the carrying out of renovation works in default, with recovery of expenses by enforced sale. Accepting that this is a time consuming process with a risk that the Council could fail to recover its expenses, such action is likely to remain a last resort.

New Empty Dwelling Management Order (EDMO's) powers contained within the Housing Act 2004 are under consideration as a means of bringing empty properties back into use. The use of EDMOs will necessitate renovation of the property, initially, at the Council's expense, with only limited time scales available for recovery of the renovation costs. It is likely, therefore, that these powers will be targeted at empty properties in good condition rather than those causing serious blight. As the priority will be to deal first with properties causing a serious blight, other powers are likely to be applied in preference to EDMOs.

Compulsory Purchase of an empty property will always be considered if other courses of action fail to bring about the properties reoccupation. A CPO requires approval from the Minister, and to ensure this, it will be necessary to have tried and documented all other means of bringing the property back into occupation. In addition, for the CPO to be approved, the Council will need to have established and negotiated with a suitable individual or organisation prepared, once the CPO has been completed, to purchase the property from the Council and bring it back into use.

APPENDIX A: GRANT CONDITIONS - DECENT HOMES GRANTS / WARM FRONT GRANTS

A1: DECENT HOMES GRANT - DISCRETIONARY

A Decent Homes Grant is discretionary and may be made available for the improvement or repair of dwellings that are in excess of 10 years old at the time of the application being made to the Council. A grant be made available in respect of any property owned or tenanted by a vulnerable person as defined in CLG's publication 'A Decent Home: Definition and guidance for implementation' and landlords of tenanted properties'. Grants may only be made directly to tenants where there is an obligation in their original lease or tenancy agreement for them to carry out repairs themselves.

There is a three year prior ownership or residence requirement. This does not apply in respect of applications received in respect of the following

- dwellings sited within investment areas
- the conversion of dwellings or other buildings
- the provision of fire precautions or means of escape
- such other circumstances as the Council sees fit.

Certificates

The Council shall not entertain an owners application unless it is accompanied by an owners certificate or in the case of a landlord or qualifying tenant a certificate of intended letting and/or a tenants certificate.

Value of a Decent Homes Grant

Maximum £30,000 unless indicated otherwise within the content of this document.

Conditions

It is a condition that the property/dwelling be occupied in accordance with the certificate of future occupation submitted at the time of application.

It is a condition that if an owner/s of the premises to which the application relates makes a relevant disposal the grant including interest where relevant thereon be repaid to the issuing authority.

Such conditions will be registered against the dwelling in the land charges register.

Repayment Conditions and Mechanisms

All discretionary Decent Homes Grants will become repayable by the recipient or the owner of the property. Repayment will be calculated on the following basis.

- Commencing with the certified date years 1 – 5 will be calculated on the principle sum plus compound interest added annually and charged at the prevailing borrowing

rate paid by the Bassetlaw District Council. From year 6 onwards the Council will only require the repayment of the principal sum which will exclude any fees charged by the Bassetlaw District Council in the provision of the in-house agency service or on behalf of other professional services

- Should the property be sold within 12 months of the completion of the grant works one years interest will apply

It should be noted that the requirement to repay may be challenged by the person/party responsible for making the repayment. Representations should be made to the Head of Environment and Housing or other delegated Officer who will determine the outcome of the appeal.

Any representation requesting full or partial waiving of the charge must be received by the Council within 21 days of the date of the notice to repay being issued.

WARM FRONT GRANT (TOP UP) – (DISCRETIONARY)

Where the costs of works exceed the Warm Front Grant an application may be made for a Discretionary Top Up grant from the District Council up to a maximum of £5000

Conditions

There are no conditions regarding repayment of the grant

A2: REPAIRS GRANT (DISCRETIONARY)

This grant is discretionary and may be made available to landlords for the improvement or repair of a dwelling or the provision of dwellings by the conversion of a house or other building/s which is/are in excess of 10 years old at the time of the application being made to the Council.

- properties that have remained vacant for more than 6 months
- the conversion of dwellings or other buildings
- the provision of fire precautions or means of escape (HMO)
- such other circumstances as the Council sees fit.

Certificates

The Council shall not entertain an application unless it is accompanied by an Intended letting certificate.

Value of Grant

Maximum £10,000 unless indicated otherwise within the content of this document.

Conditions

It is a condition that the property/dwelling be occupied in accordance with the certificate of future occupation submitted at the time of application.

It is a condition that if an owner/s of the premises to which the application relates makes a relevant disposal the grant including interest where relevant thereon be repaid to the issuing authority.

Such conditions will be registered against the dwelling in the land charges register.

Repayment Conditions and Mechanisms

All grants will become repayable by the owner of the property for the time being. Repayment will be calculated on the following basis.

- Commencing with the certified date years 1 – 5 will be calculated on the principle sum plus compound interest added annually and charged at the prevailing borrowing rate paid by the Bassetlaw District Council.
- Should the property be sold within 12 months of the completion of the grant works one years interest will apply
- From year 6 onwards the Council will only require the repayment of the principal sum which will exclude any fees charged by the Bassetlaw District Council in the provision of the in-house agency service.

It should be noted that the requirement to repay may be challenged by the person/party responsible for making the repayment. Representations should be made to the Head of Environment and Housing or other delegated Officer who will determine the outcome of the appeal.

Any representation requesting full or partial waiving of the charge must be received by the Council within 21 days of the date of the notice to repay being issued.

A3: COMMON PARTS ASSISTANCE GRANTS (DISCRETIONARY)

Works eligible for consideration relate to the common areas of a building containing flats, where at least three quarters of the flats are occupied by a person or persons who live in the accommodation as their only or main residence. There can be a landlord's common parts application or a tenant's common parts application. Tenants would require a power to carry out the works either under the terms of their lease or have the permission of the landlord to undertake the requisite works.

Certificates

All applicants are required to sign a certificate stating the nature of their interest in the building or flat and certifying that the required proportion of the flats are occupied as outlined above.

Value of Common Parts Assistance (Grant)

Maximum £10,000 per one property apportioned between applicants.

Conditions

Tenants Application:-

There are no conditions as to future occupation of the building.

Landlord's Application:-

It is a condition that if the owner/s of the premises to which the application relates makes a relevant disposal within 5 years the grant including interest thereon be repaid to the issuing authority.

These conditions will be registered against the dwelling/s in the land charges register.

Repayment Conditions and Mechanisms

All discretionary Common Parts Assistance Grants will become repayable by the grant recipient (landlords application) or the owner of the property. Repayment will be calculated on the following basis.

- Commencing with the certified date years 1 – 5 will be calculated on the principle sum plus compound interest added annually and charged at the prevailing borrowing rate paid by the Bassetlaw District Council.
- Should the property be sold within 12 months of the completion of the grant works one years interest will apply
- From year 6 onwards the Council will only require the repayment of the principal sum which will exclude any fees charged by the Bassetlaw District Council in the provision of the in-house agency service.

It should be noted that the requirement to repay the grant may be challenged by the person/party responsible for making the repayment. Representations should be made to the Head of Environment and Housing Services or other delegated Officer who will determine the outcome of the appeal.

Any representation requesting full or partial waiving of the charge must be received by the Council within 21 days of the date of the notice to repay being issued.

APPENDIX B: DEFINITION OF VULNERABLE

Vulnerable households have been defined for the purposes of the Decent Homes Standard as a whole as those in receipt of at least one of the principal means tested or disability related benefits. For the purpose of establishing the national 2001 baseline from the English House Condition Survey the benefits taken into account were:-

- Income support
- Housing benefit
- Council tax benefit
- Disabled persons tax credit
- Income based job seekers allowance
- Working families tax credit
- Attendance allowance
- Disability living allowance
- Industrial injuries disablement benefit
- War disablement pension
- Child tax credit
- Working tax credit
- Pension credit

The details definition of qualifying benefits used to define vulnerable will be subject to change. The last three qualifying benefits have been introduced since 2001 and they have different qualifying thresholds periodically reviewed by DCLG.

APPENDIX C: GRANT CONDITIONS – DISABLED FACILITIES GRANTS

Grant Conditions: Disabled Facilities Grants Mandatory

The general conditions requiring repayment of the grant in the event of a breach of occupation, breach of letting requirements or the disposal of the dwelling do not apply in respect of Mandatory Disabled Facilities Grants.

Grant Conditions: Discretionary Disabled Facilities Grants

It is a condition that if the property/dwelling ceases to be occupied in accordance with the certificate of future occupation (5 years) submitted at the time of application the discretionary grant becomes repayable to the issuing authority.

A Discretionary Grant up to a maximum of £15000 may be considered to allow the client to move to a more suitable property. £5000 will be available towards removal expenses with £10000 towards the cost of the adaptation works.

It is a condition that if an owner/s of the premises to which the application relates makes a relevant disposal within 5 Years the discretionary grant becomes repayable to the issuing authority by the recipient or owner of the property.

Such conditions will be registered against the dwelling in the land charges register.

Repayment Conditions and Mechanisms

It should be noted that the requirement to repay the grant may be challenged by the person/party responsible for making the repayment. Representations should be made to the Head of Environment and Housing and or other delegated Officer who will determine the outcome of the appeal.

Any representation requesting full or partial waiving of the charge must be received by the Council within 21 days of the date of the notice to repay being issued.

APPENDIX D: PRIVATE SECTOR HOUSING ENFORCEMENT POLICY

PART 1: HOUSING ACT 2004 – HOUSING CONDITIONS

Enforcement Guidance is given to local housing authorities in England by the Secretary of State under Section 9 of the Housing Act 2004. Councils are required to have regard to it in exercising their duties and powers under Part 1 of the Act.

The guidance should be read in conjunction with the Housing Health and Safety Rating System (England) Regulations 2005 (SI 2005 No. 3208) (the Regulations) and the Housing Health and Safety Rating System Operating Guidance, given under section 9 (1) (a) of the Act.

The housing fitness enforcement powers set out in the Housing Act 1985 (referred to in this guidance as 'the 1985 Act'), including the separate provisions for Houses in Multiple Occupation (HMO's) have been replaced or (in the case of demolition and clearance) modified by the new system set out in Part 1 of the Act. The new system is structured around an evidence based risk assessment procedure, the Housing Health and Safety Rating System (HHSRS), on which local authorities must base their decisions on the action to take to deal with poor housing conditions, from 6 April 2005.

The new system, and the powers available to local authorities, apply to all types of residential premises, including HMO's, purpose built block of flats and buildings comprising converted flats. Although local authorities cannot take statutory enforcement action against themselves in respect of their own stock they will be expected to use HHSRS to assess the condition of their stock and to ensure their housing meets the Decent Homes Standards.

Local Authority duties and powers

The Act gives local authorities powers to intervene where they consider housing conditions to be unacceptable, on the basis of the impact of hazards on the health or safety of the most vulnerable potential occupant. Before taking formal enforcement action Bassetlaw District Council will follow the principles of the Enforcement Concordat.

The Act puts the Council under a general duty to take appropriate action in relation to a category 1 hazard. Where they have a general duty to act, they must take the most appropriate of the following courses of action;

- Serve an improvement notice in accordance with Section 11;
- Make prohibition order in accordance with Section 20
- Serve a hazard awareness notice in accordance with Section 28
- Take emergency remedial action under Section 40 or make an emergency prohibition order under Section 43
- Make a demolition order under Section 265 of the Housing Act 1985 as amended
- Declare a clearance area by virtue of Section 289 of the Housing Act 1985 as amended
- Declare a clearance area by virtue of section 289 of the 1985 Act as amended

Authorities cannot simultaneously take more than one of these actions – for example make a prohibition order and serve an improvement notice dealing with the same hazard in the same premises. The authority must therefore ensure they have thoroughly considered the most

appropriate action. However, the authority can take a different course of action, or the same course again, if the action already taken has not proved satisfactory. Emergency measures are the exception. Emergency, remedial action followed by an improvement notice or a prohibition order is a single course of action.

Authorities have similar powers to deal with Category 2 hazard (see section 7 of the Act). However, emergency measures cannot be used in respect of category 2 hazards, and authorities cannot make a demolition order, or declare a clearance area in response to a category 2 hazard unless the circumstances are such as have been prescribed in regulations. No such Regulations have been made in England at this time.

It is for the Council to decide which course of action is best in all circumstances – the ‘most satisfactory course of action’. The Council will also consider whether it would be appropriate for them or other enforcement agencies to act under other legislation.

Reasons for decision

Section 8 of the Act places a duty on local authorities to give a statement of reasons for their decision to take a particular course of enforcement action. This provision is designed to meet concerns that the absence of a duty on local authorities to give reason might fail to comply with Article 6 of the European Convention on Human Rights – the right to a fair hearing.

Authorities must prepare a statement of their reasons for their decision and provide a copy of that statement to accompany the notices, copies of notices, and copies of orders which they are required to serve under Part 1 and relevant provisions of the 1985 Act. There is no requirement for authorities to provide a copy of their inspection report with the statement but there is nothing to prevent them from doing so if they consider that it would be helpful.

The requirement to give a statement extends to the declaration of a clearance area. In these cases the statement of reasons must be published as soon as possible after the passing of the resolution declaring that the area be defined as a clearance area under section 289 of the 1985 Act, and in such manner as the authority considers appropriate.

Enforcement Options

The Act provides authorities with a range of enforcement options to address hazards:

- Improvement notices
- Prohibition orders
- Hazard awareness notices
- Emergency remedial action or emergency prohibition orders (not available for category 2 hazards)
- Demolition orders (not available for category 2 hazards) and
- Clearance areas (not available for category 2 hazards)

The first three enforcement options are available for both category 1 and category 2 hazards. There may be circumstances when, given similar conditions in different dwellings, the authority might decide to respond differently to similar hazards or in a similar way towards different types of hazard. An authority might respond to a category 1 hazard in some dwellings by requiring works of improvement while in another by prohibiting occupation (or by suspending action). The action authorities choose to take must be appropriate course of action in relation to the hazard in all the circumstances.

The Council will consider the enforcement options available, and will take into account the circumstances as described in the following table. These circumstances are for guidance only, and the final decision will rest with the Enforcement Officer.

Housing Act 2004	Circumstances whereby this Notice can be served by the Council
Improvements Notices relating to Category 1 hazards Section 11	When a Category 1 hazard exists on any residential premises. The Notice may relate to more than one Category 1 hazard.
Improvement Notices relating to Category 2 hazards Section 12	When a Category 2 hazard or hazards on any residential premises, and where the investigating officer considers that it is severe enough to warrant the service of an enforcement notice OR where there has been no improvement in the condition of the premises following service of a Hazard Awareness Notice.
Prohibition Orders relating to Category 1 hazards Section 20 Prohibition Orders relating to Category 2 hazards Section 21	When a Category 1 or 2 hazard exists on any residential premises, and the Office is satisfied that the deficiency is so serious as to require the closure of part of all of the premises, or to prohibit the occupation of the property by a particular number or description of persons.
Hazard Awareness Notice relating to Category 1 hazards Section 28	The Council is unlikely to serve a HAN for a category 1 hazard. The Council will normally serve an Improvement Notice as a minimum in response to category 1 hazards, unless <ul style="list-style-type: none"> a. The officer is satisfied that an assurance has been given by the responsible person to carry out the specified works to remove the category 1 hazard and prevent a recurrence, OR b. Improvement or prohibition is not practicable or reasonable.
Hazard Awareness Notice relating to Category 2 hazards Section 29	The Council will normally serve a HAN for category 2 hazards where the specified hazards are of a less serious nature, and / or to give the person responsible for the premises the opportunity to make representations regarding the nature of the deficiency or the remedial action identified. Where the investigating Officer considers that the category 2 hazard is severe enough to warrant the service of an enforcement notice, an Improvement Notice under section 12 will be served.

Emergency Measures Housing Act 2004	Circumstances whereby this action can be taken by the Council
<p>Emergency Remedial Action</p> <p>Section 40</p>	<p>Where a Category 1 hazard exists on any residential premises, AND The officer is satisfied that the hazard involves an imminent risk of serious harm to the health and safety of the occupiers or those of any other residential premises AND No management order is in force under Chapter 1 or 2 of Part 4 of the Act. Action may taken in respect of more than one category 1 hazard on the same premises, or in the same building containing one or more flats.</p>
<p>Emergency Prohibition Orders</p> <p>Section 43</p>	<p>Where a category 1 hazard exists on any residential premises, AND The Officer is satisfied that the hazard involves an imminent risk of serious harm to the health and safety of the occupiers of those or any other residential premises, AND The officer is of the opinion that the premises or part (s) thereof are not suitable for the continued occupation by those occupiers whilst the hazard exists, AND No management order is in force under Chapter 1 or 2 of Part 4 of the Act. Action may be taken in respect of more than one category 1 hazard on the same premises, or in the same building containing one or more flats.</p>
<p>Demolition Orders</p> <p>Section 265 of the Housing Act 1985 as amended by Section 46 Housing Act 2004.</p>	<ol style="list-style-type: none"> 1. When a category 1 hazard exists in a dwelling house or HMO which is not a flat, AND A management order is not in force; OR When a category 1 hazard exists in one or more of the flats in a building containing one or more flats. 2. When a category 2 hazard exists in a property as described above, AND The circumstances of the case are circumstances specified or described in an Order made by the Secretary of State.

<p>Clearance Areas</p> <p>Section 289 Housing Act 1985 as amended by Section 47 Housing Act 2004</p>	<ol style="list-style-type: none"> 1. When the Environmental Health Service is satisfied that each of the residential buildings in the proposed clearance area contains a category 1 hazard, AND That the other buildings (if any) in the area are dangerous or harmful to the health or safety of the inhabitants of the area; OR 2. When the Environmental Health Service is satisfied that the residential buildings in the proposed area are dangerous or harmful to the health or safety of the inhabitants of the area as a result of their <ol style="list-style-type: none"> a. Bad arrangement, or b. The narrowness or bad arrangement of the street, AND That the other buildings (if any) in the area are dangerous or harmful to the health or safety of the inhabitants in the area, OR 3. When the Environmental Health Service is satisfied that each of the residential buildings in the proposed area contains a category 2 hazard; AND That the other buildings (if any) in the area are dangerous or harmful to the health or safety of the inhabitants of the area, AND The circumstances of the case are circumstances specified or described in an Order made by the Secretary of State.
--	--

Full details of the Enforcement Options, and the manner in which decisions are made in determining the most appropriate course of action in respect of the particular hazards, can be found in the publication.

'HOUSING HEALTH AND SAFETY RATING SYSTEM – ENFORCEMENT GUIDANCE HOUSING ACT 2004 PART 1; HOUSING CONDITIONS'

Feb 2006: Department for Communities and Local Government
ISBN 13: 978 185 112 8471
ISBN 10: 18 5112 847 6

www.dclg.gov.uk

PARTS 2 – 4 HOUSING ACT 2004

- LICENSING OF HOUSES IN MULTIPLE OCCUPATION
- SELECTIVE LICENSING OF RESIDENTIAL ACCOMMODATION
- MANAGEMENT ORDER
- EMPTY DWELLING MANAGEMENT ORDERS
- OVERCROWDING

Part 2 of the Housing Act 2004 contains the provisions for the mandatory licensing of certain types of houses in multiple occupation, and the discretionary licensing of other, 'lower risk' HMO's. Part 3 allows for the introduction of a scheme of selective licensing for rented accommodation in areas of low housing demand or persistent anti-social behaviour. Part 4 includes control provisions in relation to residential accommodation, comprising Interim and Final Management Orders for HMO's where the local authority replace the landlord or manager of rented accommodation. Interim and Final Empty Dwelling Management Order as a toll for bringing empty properties back into use as rental accommodation, and paves the way for changes to the enforcement of overcrowding in residential properties.

There are a number of interventions that the Council can make in the enforcement of compliance with the above provision, as set out in the table below;

Interventions under the Housing Act 2004 Part 2-4	Circumstances whereby this intervention can be made by the Council
<p>Offences in relation to the Mandatory Licensing of HMO's</p> <p>Section 72</p>	<p>Operation of an HMO without a mandatory licence when one is required is an offence that attracts a fine of up to £20,000. In such circumstances the Council may;</p> <ul style="list-style-type: none"> a. prosecute the landlord or manager b. Serve an Interim Management Order (see below) <p>Action may also be taken where a landlord or manager of a licensed HMO fails to satisfy the conditions of the licence without reasonable excuse. In such circumstances the Council may;</p> <ul style="list-style-type: none"> a. revoke the licence and make an interim management order. b. Prosecute the landlord or manager
<p>Offences in relation to the Discretionary Licensing of HMO's</p> <p>Section 95</p>	<p>Operation of an HMO without a discretionary licence when one is required is an offence that attracts a fine of up to £20,000. In such circumstances the Council may;</p> <ul style="list-style-type: none"> a. prosecute the landlord or manager b. serve an interim management order (see below) <p>Action may also be taken where a landlord or manager of a licensed HMO fails to satisfy the conditions of the licence without reasonable excuse. In such circumstances the Council may,</p> <ul style="list-style-type: none"> a. revoke the licence and make an interim management order b. prosecute the landlord or manager.

<p>Rent Repayment Order</p> <p>Section 96</p>	<p>Where a HMO is operating without a mandatory or selective license, AND The Council have not received notification that steps are being taken hereby the HMO no longer requires a licence, the Council may make an application to the Residential Property Tribunal (RPT) for a Rent Payment Order, which requires the person in receipt of the rent for the property to repay any housing benefit received during the period of operation without a licence.</p>
<p>Interim Management Order</p> <p>Section 102</p>	<p>The Council must make an interim management order where</p> <ul style="list-style-type: none"> a. the property is a HMO or dwelling house which is required to be licensed under Part 2 or 3 but is not so licensed AND they consider that EITHER there is not reasonable prospect of it being licensed in the near future OR the Health and Safety Condition under Section 104 is satisfied; b. The property is an HMO or dwelling house which is licensed under Part 2 or 3 AND the licence has been revoked but the revocation has not yet come into force ANY they consider that EITHER once the revocation is in force there is no reasonable prospect of the house becoming licensed in the near future OR that once the revocation is in force the Health and Safety Conditions under section 104 is satisfied. <p>The Council may make an Interim Management Order where the property is a HMO that is not required to be licensed under Part 2 AND the Health and Safety Condition under section 104 is satisfied, AND the Council are required by the RPT to make such an Order following an application by the Council.</p>

<p>Special Interim Management Order</p> <p>Section 103</p>	<p>Where a house, occupied under a single tenancy or a licence, is in an area experiencing significant and persistent anti-social behaviour AND the landlords are failing to take action to remedy the problem AND the health, safety or welfare of persons occupying, visiting or in the vicinity of the house is at risk, the Council may apply to a RPT for a Special Interim Management Order.</p>
<p>Final Management Order</p> <p>Section 113</p>	<p>The Council must make a Final Management order to replace an Interim Management Order EITHER</p> <ul style="list-style-type: none"> a. on the date the house would be required to be licensed, OR b. if not required to be licensed, on the date the Interim Management Order expired, <p>for the purpose of protecting the health, safety or welfare of the occupying persons.</p>
<p>Interim Empty Dwelling Management Order</p> <p>Section 133</p>	<p>The Council may apply to the RPT for an Interim EDMO where it is satisfied that</p> <ul style="list-style-type: none"> a. the dwelling has been wholly unoccupied for a period of at least 6 months, AND b. There is no reasonable prospect that the property will become occupied: AND c. All reasonable efforts have been made to contact the owner of the property, and EITHER the owner cannot be found or discussion on alternative means of bringing the property back into use have failed.
<p>Final Empty Dwelling Management Order</p> <p>Section 136</p>	<p>The Councils may make a final EDMO to replace an interim EDMO or an existing final EDMO where it is satisfied that;</p> <ul style="list-style-type: none"> a. the dwelling is likely to become or remain unoccupied, AND b. all such steps as it was appropriate to take under the interim or existing final EDMO have been taken to secure the occupation of the dwelling, AND c. The interest of the community and the effects of the Order on the rights of the proprietor and any third parties have been taken into account.

Overcrowding Order Section 139	The Council may serve an overcrowding notice on the landlord of a HMO where it is satisfied that an excessive number of persons is being or is likely to be accommodated at the premises, having regard to the number of rooms available.
---------------------------------------	---

FORMAL NOTICES

All notices served by the Council will specify

- What is wrong
- What is required to put it right
- Why the notice has been served
- The timescale in which to put things right (except in the case of Hazard Awareness Notice, which does not require works to be carried out), and
- What will happen if the notice is not complied with.

Where a formal notice has been served there is a right of appeal against the Council's decision. Notices will include an explanation of the relevant methods of appeal.

In general, where there is a failure to comply with a properly written and served statutory notice, it is the policy of the Environmental Health Service to either:-

- a. issue a formal caution or
- b. prosecute the individual, organisation or business served with the notice, or
- c. in certain circumstances, carry out works in default of the notice to put things right and recover its costs and expenses in doing so.

The decision will be made in accordance with the principles outlined in the Enforcement Concordat. As a general rule, a formal caution will usually be considered before making a decision to prosecute. The circumstances under which the Council will consider default work will depend on the nature of the hazard for which the notice is served, and the degree of risk presented by the hazard to the occupants of the property.

FEES AND CHARGES

Bassetlaw District Council may make such reasonable charges as they consider appropriate as a means of recovering certain administrative and other reasonable expenses incurred by them in carrying out any of the following statutory actions under the Housing Act 2004.

- a. serving an Improvement Notice under section 11 or 12
- b. making a prohibition order under section 20 or 21
- c. taking emergency remedial action under section 40
- d. making an emergency prohibition order under section 43
- e. declaring a slum clearance area under section 47
- f. taking enforcement action for offences in relation to the licensing of HMO's under section 72
- g. taking enforcement action for offences in relation to the licensing of HMO's under section 95
- h. applying for a rent repayment order under section 96
- i. making an interim management order under section 102
- j. making a final management order under section 103

- k. making a final management order under section 113
- l. making an interim empty dwelling management order under section 133
- m. making a final empty dwelling management order under section 136
- n. serving an overcrowding order under section 139, or
- o. processing a HMO licence application.

The decision to make a charge for enforcement action is at the discretion of the Council, and the Council may waive the enforcement charges (with the exception of the HMO Licence Fee) in an individual case after taking into account the personal circumstances or the person served with the notice or order.

APPENDIX E: CONTACTS

HOUSING GRANTS (Disabled Facilities Grants, Decent Homes Grants)

Tel 01909-535127

ENVIRONMENTAL HEALTH (Private Sector Enforcement)

Tel 01909-533171

STRATEGIC HOUSING UNIT

Tel 01909-533730

E-MAIL

housing@bassetlaw.gov.uk