



## East Hertfordshire District Council

### Private Sector Housing Assistance Policy

<b>Organisation</b>	East Hertfordshire District Council
<b>Title</b>	Private Sector Housing Assistance Policy
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## 1.0 Introduction

- 1.1. This document details East Herts Council's Private Sector Housing Assistance Policy. It details the way in which the Council provides financial and other assistance to owners and occupiers of private sector housing within East Herts.
- 1.2. The council's first policy relating to financial assistance, the Private Sector Housing Assistance Policy was published in 2003 and there have been a series of amendments since. This policy document replaces the previous policy dated 2008. Monies provided under the previous policy will continue to be considered under that policy and the terms and conditions of any such payments applicable at the time of approval.
- 1.3. This policy has been adopted under Article 4 of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002. The order introduced powers for local authorities to provide assistance to households living in private sector housing. The council's approach to carrying out works of repair, improvements and adaptations in order to address local needs and priorities and provide assistance to vulnerable residents is set out here.
- 1.4. Objectives
- To tackle housing conditions that represent a hazard to the health and wellbeing of the occupier, focusing on the needs of the most vulnerable households.
  - Improve the quality of life of elderly, disabled and vulnerable residents by appropriate adaptations to their homes, where they are not in the position to do so.
- 1.5 As resources are limited within each financial year a degree of flexibility is required to meet changing needs. To tackle these problems the council aims to use its funds as fairly and effectively as possible. To achieve this, the council has made the decision to move from grants to loans for housing repairs so that the funds can still have the same positive impact on residents' lives but also be recovered and recycled in the future to benefit more residents.

## 2.0 Local and National Context

2.1 This document supports and links to a number of strategies adopted by East Herts Council. It aims to support the needs of vulnerable, disabled and elderly residents and underpins a number of the council's priorities for health and wellbeing and housing need. Relevant strategies and their link to the Private Sector Housing Assistance Policy are as follows:

- **East Herts Corporate Plan** - The corporate priority 'Enabling our communities' is supported by this policy through the aim to deliver the objective 'We will support our vulnerable residents'. This policy also supports the priority to put 'Sustainability at the heart of everything we do' through the provision of energy efficiency grants.
- **East Herts Health and Wellbeing Strategy** - This policy supports the aim to 'Improve the health and wellbeing of our communities' by delivering the outcome 'Support for our vulnerable families and individuals'. The Health and Wellbeing Strategy outlines 'access to high quality housing' as a way that the Council can enable health improvement in the district.
- **East Herts District Plan** - This policy supports the District Plan in contributing to the following:  
*'A key objective of the District Plan seeks to ensure that new housing is accessible to, and meets the needs and aspirations of, the District's communities. The Council also recognises that everyone should be given the opportunity to access a decent home.'*
- **Emerging East Herts Housing Strategy 2021-2026 (due for adoption in early 2022)** – The emerging Housing Strategy identifies the following as two of the 'most urgent housing issues facing East Herts':
  - Housing need - Insufficient supply of special needs/supported homes for older people, people with mental health needs, people with learning disabilities, people with physical disabilities.

- Housing conditions - Ensuring good standards in the private rented sector.

- 2.2 East Herts covers the eastern third of Hertfordshire. Around three-quarters of the population live in one of the five main towns, separated by areas of rural landscapes and small villages. There are 62,116 dwellings in East Hertfordshire, 70% are owner occupied, 16% private rented and 13% social rented.
- 2.3 Residents in East Herts enjoy one of the highest qualities of life in rural Britain and enjoy a good level of health and life expectancy. While by many measures a relatively affluent district, East Herts does have its health challenges, including deprivation. The health of people in East Herts is generally better than the England average; however this tends to mask pockets of deprivation. Five of the most deprived wards account for 16% of the population, representing around 23,000 individuals.
- 2.4 East Herts has an ageing population. ONS population forecasts show that there will be 87.5% more older people (65+) by 2037. This potentially means a significant increase in the need for support services and housing with support which needs to be planned for. The District Housing Needs Survey 2014<sup>1</sup> asked a series of questions to understand physical or mental health issues and long term illness and their impact on housing needs. The key findings were that 16.5% of households contain somebody with a disability/limiting long term illness. The main demographic affected were over 65 years old and the main issue being around walking/mobility issues.
- 2.5 Housing is one of the major wider determinants of health and wellbeing. The impacts that housing can have on health and wellbeing are recognised by the Housing Act 2004, particularly through the Housing Health and Safety Rating System (HHSRS), by which housing of all tenures is assessed for the likelihood and severity of harm arising from a range of hazards, such as excess cold, falls, dampness, and fire.

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<sup>1</sup> [East Hertfordshire District Council - Housing Needs Survey 2014](#)

- 2.6 In 2019, 10% of the housing stock in England had a HHSRS Category 1 hazard, down from 21% in 2009<sup>2</sup>. 15% of private sector properties in East Herts have Category 1 Housing Health and Safety Rating System (HHSRS) hazards<sup>3</sup>. 14% of properties in the private rented sector have Category 1 HHSRS hazards, similar to the England average (13%)<sup>4</sup>. The Housing Stock Condition Report for East Herts identified concentrations of high levels of Category 1 hazards mainly in the more rural areas. Estimated costs to mitigate all Category 1 hazards in private sector stock are £27.59 million.
- 2.7 The East Herts Housing Stock Condition Report identified that a proportion of the private sector stock in East Hertfordshire could benefit from energy efficiency improvements with 26% of dwellings having un-insulated cavity walls. Furthermore, 15% of East Herts private sector stock has less than 100mm of loft insulation with 7% having no loft insulation at all. In East Herts, it is estimated that 73% of the housing stock have cavity walls, higher than the regional and national figures (50%)<sup>5</sup>.

### **3.0 Assistance Available**

- 3.1 East Herts offers assistance ranging from advice, financial assistance through to enforcement in order to tackle housing hazards.

### **3.2 Financial Assistance**

- 3.2.1 The details of the financial assistance available through either grants or loans are outlined in Table 1. These are offered subject to terms and conditions.

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<sup>2</sup> [English housing survey](#)

<sup>3</sup> BRE Integrated Dwelling Level Housing Stock Modelling and Database for East Herts District Council

<sup>4</sup> [English housing survey](#)

<sup>5</sup> [English housing survey](#)

**Table 1. Financial Assistance Available**

<b>Assistance available</b>	<b>For</b>	<b>Financial offer &amp; condition of repayment</b>	<b>Eligibility</b>
Decent Home Loans	Bringing the property up to the Government's Decent Homes Standard: <ul style="list-style-type: none"> <li>• To be free from Category 1 hazards as defined by HHSRS</li> <li>• be in reasonable repair</li> <li>• have reasonably modern facilities and services</li> <li>• have adequate heating and insulation</li> </ul>	Between £1,000 and £30,000.  The recipient will repay the capital when they sell the property on which the loan was secured.  Interest will be at 4.5% per annum and this will also need to be repaid.	Approvals are subject to a test of resources and so the amount of the loan offered will depend on an assessment of the applicant's ability to pay for the eligible works themselves or to obtain a commercial loan to cover the costs.
Small Repayable Grant Payment for Emergency Repairs	Category 1 hazards identified under HHSRS	Up to £1,000  The recipient will repay the capital when they sell the property on which the grant was secured.	Applicants must be in receipt of an income related benefit
Energy Efficiency Grants	To include schemes signed up to by the Council for which funding becomes available	Dependant on the scheme offer and often non-repayable. If repayment is required the grant shall be in the form of a Repayable grant payment and this will be made clear to all parties at the outset	Dependant on the scheme offer
Home Insulation	Grants that go towards the cost of	<ul style="list-style-type: none"> <li>• 50% grant of up to £200 towards</li> </ul>	All homeowners in East Herts

Grants	loft insulation works and/or cavity wall insulation	loft insulation works <ul style="list-style-type: none"> <li>• 50% grant of up to £300 towards the cost of cavity wall insulation</li> </ul>	
Disabled Facilities Grants (Provided through the Hertfordshire Home Improvement Agency (HHIA) and are subject to the HHIA's own policies)	Essential adaptations to homes to make them more suitable for disabled people to live in and manage independently	Up to £30,000. A sliding scale of repayment is typically applicable. This will be made clear to the recipient at the outset	<ul style="list-style-type: none"> <li>• Subject to a test of resources for applicants over 18</li> <li>• Subject to an Occupational Therapist assessment</li> <li>• Owner occupiers, tenants and landlords on behalf of tenants can apply</li> </ul>

3.2.2 Legislation does not restrict financial assistance to private sector homeowners alone. However, East Herts would not provide financial assistance for housing repairs to housing association tenants as other mechanisms are in place to improve their homes. The council will not fund work that is due to the failure of a landlord to meet their statutory obligations or to repair or improve property that is in poor condition as a consequence of the nature of its occupation or a deliberate act of the occupier. Home owners are expected to have buildings insurance and the council will not fund works that are covered by insurance.

### 3.3 Verbal advice

3.3.1 Where financial assistance is not available under this policy, officers will look to assist a customer in other ways, such as advice on property



defects or possible adaptations or alterations. This policy takes a safety net approach to protect and assist vulnerable, disabled and elderly residents who may not have the financial resources to improve or maintain their property.

- 3.3.2 Advice may also include referral to partners, for example directing enquiries to Herts Home Improvement Agency or direction to alternative sources for energy efficiency home adaptations.

### **3.4 Enforcement**

- 3.4.1 Enforcement action will not generally be the first response to minor contraventions of legislation, and any enforcement action will be undertaken in accordance with the Environmental Health Enforcement Policy. The need for formal enforcement may be brought about by various factors such as the severity of a problem, imminent risk, previous history, confidence in a landlord, public interest etc.
- 3.4.2 Where a property is found to have a Category 1 hazard under the Housing Act 2004 the Council does have a duty to take action. We therefore require that following the works funded under a Decent Home Loan the property must be left free from Category 1 hazards. Where an owner is not prepared to have work completed to remove all such hazards the Council will not approve a loan and may need to take enforcement action. Where there are works needed that justify a grant for emergency repairs further works to remove remaining Category 1 hazards should be completed within a reasonable timescale whether through loan funding or otherwise.

## **4.0 Details of financial assistance available**

### **4.1 Decent home loans**

#### **4.1.1 Works that can be included**

- These are discretionary towards the cost of works to help homes meet the Government's Decent Homes Standard, i.e., to be free from Category 1 hazards as defined by the Housing Health and Safety Rating System, (Housing Act 2004 Pt 1) be in reasonable repair, have reasonably modern facilities and services, and have adequate heating and insulation. Eligible premises will therefore be failing any of these criteria.
- Below is a non-exhaustive list of example eligible works:
  - Essential repairs, such as to make the property wind and weathertight, or to repair dangerous electrical installations. Seriously defective boilers and sanitary facilities may also be dealt with under this disrepair criterion. Reasonable repair will be considered in relation to the age, character and location of the property.
  - Upgrading of facilities and services such as kitchens and bathrooms where there are 3 or more significant failures under this definition within the standard, or where necessary to make the house fit and in reasonable repair. (Kitchen and bathroom facilities will not be assessed purely on age but to qualify must include significant wear or disrepair).
  - Home safety/security improvements, such as the provision of door chains, door viewers, door bolts, window/patio door locks and home safety. Where these are needed to remove a Category 1 hazard or in addition to other works
- In all cases, the council will determine whether the works are reasonable and practicable, and whether assistance is appropriate.
- Loans will not be available for any works undertaken before approval of the loan is given.

#### **4.1.2 Who can apply?**

- The council will consider applications for decent home loans from owner occupiers and qualifying tenants. The loan is only available subject to a test of resources which looks at people's income and savings. The test of resources will calculate the level of contribution to the works expected from the applicant, where this contribution is £5,000 or less this amount can be added to the loan amount up to a total loan amount of £30,000. All applications will be considered on a case by case basis.
- No properties built or converted within the previous eleven years will be considered for assistance and the owner must have owned the property or been a qualifying tenant for at least one year prior to the date of application before assistance will be considered.

#### **4.1.3 Summary of terms and conditions**

- Full terms and conditions are laid out in Appendix B – Part 1.
- The council will consider the cost of all proposed work in the light of eligibility of work and reasonableness of costed items on estimates/quotations, subject to a maximum limit for assistance in any three years, of £30,000.
- Certain preliminary or ancillary fees including the costs of an agent/surveyor may be included within the total assistance subject to the maximum assistance amount of £30,000. However the payment of any such fees is conditional on the loan approval and on completion of the specified works.
- The council will place a local land charge on the property for the works carried out. This uses the recipient's house as security on the loan. Interest will be added to the loan amount on an annual basis (prorated for any loan period less than one full year). Interest will be at 4.5% per annum at the time of approval of this policy but this rate may be amended in the future. Any such amendments will be advertised on the East Herts website and will be made clear in the loan agreement. The

interest rate set on signing the loan agreement will remain for the duration of the loan. The recipient repays the capital when they sell the property on which the loan was secured. Repayment of the loan and interest may be made either in whole or part at any time during the loan period which will end on the completion of sale or qualifying transfer of the property at which point the full repayment of loan and interest will become due.

- To help ensure that customers maintain their properties after improvement/ repair works have been carried out with Council assistance, the Council will expect customers to obtain and maintain sufficient Buildings Insurance for the property.

## **4.2 Small repayable grant payments for emergency repairs**

### **4.2.1 Works that can be included**

- Housing hazards identified as a Category 1 hazard under the HHSRS where there is an imminent risk to the occupier or visitors to the property.

### **4.2.2 Who can apply?**

- The council will consider applications from owner occupiers and qualifying tenants. All applications will be considered on a case by case basis.
- Applicants must be in receipt of an income related benefit including:
  - Child Tax Credit
  - Housing Benefit
  - Income Support
  - Income-based Jobseeker's Allowance (JSA)
  - Income-related Employment and Support Allowance (ESA)
  - Pension Guarantee Credit
  - Universal Credit
  - Working Tax Credit

- No properties built or converted within the previous eleven years will be considered for assistance and the owner must have owned the property or been a qualifying tenant for at least one year prior to the date of application before assistance will be considered.

#### **4.2.3 Summary of terms and conditions**

- Full terms and conditions are laid out in Appendix B - Part 2.
- These grants are for emergency repairs that cover Category 1 hazards. Total grant amount will be up to £1,000 in any three year period. The council will place a local land charge on the property for the works carried out. The recipient repays the capital when they sell the property on which the grant was secured.

#### **4.3 Energy efficiency grants**

- Grants and funding rounds to make properties in the district as energy efficient as possible will be advertised when they are made available through local or central government funds. Advice on how to increase the energy efficiency of your home and details of funding rounds (including terms and conditions) will be on the Council's website.

#### **4.4 Home insulation grants**

##### **4.4.1 Works that can be included**

- The council can help towards the cost of home insulation by providing the following:
  - 50% grant of up to £200 towards loft insulation works which provides 270mm depth loft insulation and
  - 50% grant of up to £300 towards the cost of cavity wall insulation
- Applicants must provide the council with two formal quotes on the contractors' company headed paper for the proposed works. The following can be included in the quotes:
  - Loft clearance to enable installation
  - Installation of access platforms and tank walkways
  - Pipe insulation and Tank Lagging (in roof space)

- Loft Hatch insulation (if part of main loft insulation measures)
- The following cannot be included in the quotes:
  - DIY installations
  - properties requiring an insulation top up where there is more than 6" or 150mm of existing insulation

The council will review the quotes received and may reduce the grant payment where a quote appears to be excessive.

#### **4.4.2 Who can apply?**

- The grant scheme is open to all homeowners in East Herts.

#### **4.4.3 Terms and conditions**

- Grants cannot be applied for retrospectively. A competent company should carry out the proposed works. The council will not normally give assistance towards work which, in their opinion, might not be completed to a satisfactory standard.
- Home insulation grants can be applied for by completing the application form on the council's website.
- Before undertaking any works applicants need to:
  - complete and submit an application form using the council's prescribed form
  - provide two formal quotes on contractors' company headed paper (grant payments will be based on the lowest quote)

#### **4.5 Disabled Facilities Grants**

- East Herts Council is a partner in the Hertfordshire Home Improvement Agency, which now delivers the Council's responsibilities in relation to Disabled Facilities Grants.
- From April 2015, funding for Disabled Facilities Grants transferred to the Better Care Fund, which is paid to Hertfordshire County Council, rather than District Councils. The Government's 2013 Spending Review created

this single pooled budget to incentivise innovation and integration across the NHS and Local Government, 'to deliver better outcomes and greater efficiencies through more integrated services for older and disabled people'.

- East Herts are therefore working with Hertfordshire County Council to ensure Better Care Fund plans make adequate provision to meet local needs and statutory obligations for Disabled Facilities Grants. Further details can be found on the [Hertfordshire Home Improvement Agency website](#).

#### **4.5.1 Works that can be included**

- Disabled Facilities Grants are for adaptations to homes to make them more suitable for disabled people to live in and manage independently.
- Below is a non-exhaustive list of example eligible works:
  - Widening doors
  - Installing ramps
  - Improving access to rooms and facilities – e.g. installing stair lifts
  - Providing access to the garden
  - Providing a downstairs bathroom or wet room
  - Providing a heating system suitable for an applicant's needs
  - Adapting heating or lighting controls to make them easier for applicants to use

#### **4.5.2 Who can apply?**

- The grants are available nationally with criteria set outside of this policy. They are subject to conditions and eligibility (which includes a test of resources, except in case where eligible works are for a child or young person under the age of 19 where no means test is required). They are available to people who are registered, or registerable, as disabled.
- Owner occupiers, tenants and landlords on behalf of tenants can apply.

### **4.5.3 Terms and conditions**

- The terms on which Disabled Facilities Grants are provided are set out in the Hertfordshire Home Improvement Agency's mandatory and discretionary grants policies. Further details can be found on the [Hertfordshire Home Improvement Agency website](#).



## **Appendix A – How to apply for assistance**

A person may (amongst other routes) access the assistance and services outlined in this policy by:

- Contacting Environmental Health directly.
- By being referred to the service by another agency or internal service area.
- By being brought to the attention of Environmental Health as the result of a complaint
- By proactive contact by Environmental Health.

Applications for financial assistance will only be accepted on the Council's prescribed forms.

Where applicants have legitimate concerns about taking out an interest-bearing loan as a result of religious beliefs, an alternative route with a leasing scheme may be considered.

## **Appendix B – Terms and conditions**

These terms and conditions do not apply to the following types of financial assistance as they each have specific eligibility criteria set out separately:

- Energy efficiency grants (see section 4.3)
- Home insulation grants (see section 4.4)
- Disabled facilities grants (see section 4.5)

In developing this policy, the council takes into account the responsibility of owners to maintain their own properties, but also considers ability to do so and vulnerability of different groups, as well as other factors in determining eligibility criteria and terms and conditions.

The terms and conditions for financial assistance detailed within this policy will be set down in writing for all applicants.

### **Part 1 – Terms and conditions for loans**

- In making an application for assistance, when applicants sign the application form they are agreeing to all the terms and conditions as detailed by the council.
- Information provided to the council by applicants as part of the application process will be checked thoroughly and may be shared with other departments of the council and other organisations involved in any aspect of handling public funds to prevent and detect fraud or in investigation of other possible criminal activities.
- Applications or enquiries will only be accepted on the prescribed forms of the council.
- An application will only be considered to be complete if it includes all the information required with the signature of the applicant.
- Applicants must be 18 years of age or older at the date of application and in the case of joint applications one must be over 18 at the date of application.

- It is a condition of all forms of assistance that repayment is received in accordance with the terms of approval of the financial assistance.
- Applicants for loans which require a means test or an enquiry to be made of the commercial financial markets for availability of loans or equity release etc., will be required to complete details of financial circumstances on a form provided by the council requiring answers to pre-set questions. In completing this form applicants will be required to sign a declaration as to the accuracy of information provided and that of supporting paperwork, e.g., wage slips and accounts etc. The Council will routinely carry out cross checks on information provided. Applicants who have within the previous 12 months applied for an income related benefit will be asked to authorise the provision by the relevant agency of the full statement of calculation of the benefit entitlement.
- No application will be accepted for works required to reinstate any dwelling designated as defective under Section 528 or 559 of the Housing Act 1985, although applications for other types of work to defective dwellings will be considered, e.g., for a disabled facilities grant.
- All applications for assistance must be accompanied by an owner/occupation certificate which state the applicant has or proposes to acquire a qualifying interest in the property subject to the application for assistance. In addition to the following:
  - Owner Occupation Certificate: that throughout a period of 10 years from the completion date she/he or a member of the family intends to live in the dwelling as their only or main residence.
  - Proof of title shall also be required to enable property ownership to be confirmed, and consent of any mortgagee will be needed.
- It is the applicant who employs the builder to undertake agreed works and the council has no contractual liabilities in that relationship as its role is only to administer the grant/loan process.
- The applicant is ultimately responsible for ensuring the quality of the completed works; the responsibility can be passed on to an agent of the applicant, e.g., an architect or a Home Improvement Agency.

- If an applicant submits an estimate/quote from a member of their family who then carries out the agreed works the loan will only be paid on the basis of the cost of materials and not labour.
- Upon conclusion of discretionary decent home loans it will be expected that the property is free from significant hazards; any exception to this will require the authority of the Service Manager - Environmental Health.
- Applications from tenants for decent home loans must be from qualifying tenants who according to the terms of their lease are responsible for the work for which assistance is being sought.
- In the case of applications initiated by a qualifying tenant they must be accompanied by a tenants certificate stating that the applicant is a qualifying tenant of the dwelling and that she/he or a member of the family intends to live in the dwelling as their only or main residence. A tenant's application must also be supported by the landlord's completion of a certificate of intended letting unless such is not forthcoming and the works are required to remove risk to the tenant's health and/or safety. In all other circumstances work to a property will require the owner's written authority and that of the mortgagee.
- An application for assistance towards works that have already been completed will not be processed. Any part of works not commenced, which would otherwise have been considered for assistance may be processed for possible financial assistance as long as work is not commenced prior to formal approval.
- The amount of financial assistance payable shall be the actual cost of undertaking the works plus any associated fees, less any owner's etc. contribution, up to the total value of the assistance approved. Additional funding will only be provided above the original approval level in the event of unforeseen work being needed to allow completion of eligible works or associated works of a nature to protect the health and safety of occupiers, or evidenced increases in costs to the contractor from their suppliers etc. A formal re-approval to a higher level of assistance will be required before any

payment above the originally approved level is paid.

- All payments shall be conditional upon receipt of an acceptable invoice and made direct to the appropriate contractor following agreement with the applicant that works to the appropriate stage have been satisfactorily completed. In a situation of dispute between the applicant and contractor, which is not resolved in a reasonable time period the loan, or part thereof, may be paid to the applicant, agent or contractor at the discretion of the council.
- The council will include the cost of preliminary or ancillary services fees and charges within the calculation of assistance; each submission of fees will be individually considered for reasonableness. The payment of any such fees is conditional on a loan being approved and the completion of all specified works, otherwise the Council will not be held responsible for any fees incurred before or after approval.
- The council will consider requests for interim payments such that no interim payment will normally be for more than 90% of the cost of completed work and in aggregate no more than 90% of the total approved amount before final completion.
- The council will determine on each approval document the time period allowed for works to be completed, which will not normally exceed 12 months and may be significantly shorter for small items of work.
- The works must be carried out by one of the contractors whose estimates/quotations were submitted as part of the application process, unless otherwise agreed by the Council, the loan/grant having been calculated using the lowest priced estimate/quotation.
- The number of estimates/quotations accompanying an application for a loan shall be at least two. Three quotations will normally be sought for works costing more than £5,000. The Council reserve the right to ask for more estimates/quotations if they are not satisfied with those submitted, or to accept a single quotation where two would normally be required for work from specialist contractors, or for works of less than £5,000, where the

Service Manager - Environmental Health is satisfied that best value is achieved and obtaining more quotations is not necessary or practical in the circumstances.

- Applicants should contact the council to report a change in personal and/or financial circumstance. Where an applicant's circumstances change or are confirmed as different from originally stated, after approval is issued, such that approval would no longer be given, then the loan approval will be cancelled and no payments will be made, or no further payments will be made where interim payments have already been paid, except in exceptional circumstances when the Head of Housing and Health may give authority to provide further funding so as to conclude work at a suitable and appropriate stage. Where payments have been made, the local authority may demand repayment together with compound interest from the date on which payment was made until repayment, at such reasonable rate as the Council may determine.
- In any case where financial circumstances at the time of application are later confirmed differently to those submitted by the applicant/s such that after approval a new processing of information would lead to reduced assistance or denial of assistance then the original approval will be amended/cancelled and the local authority may demand repayment together with compound interest from the date on which payment was made until repayment, at such reasonable rate as the council may determine to recover any over payment. In such circumstances the local authority may choose to cancel the whole approval or demand repayment of all monies paid, plus compound interest, despite the fact that a reduced level of assistance would have been approved, where it is felt the degree of error in the applicant completing the original means test forms is such to suggest a deliberate attempt to deceive.
- In certain circumstances where the council believe that actions of applicants may have been taken to deliberately defraud the Council a file will be passed to the Police for investigation.
- In the 10 year period following final payment of assistance monies the applicant shall upon written request from the council, reply in writing, within 21 days of the date of the request stating how they are complying with any of

the terms and conditions of the assistance enquired about. Failure to comply with this item will be deemed a failure of assistance conditions requiring total repayment of financial assistance plus compound interest at a reasonable rate determined by the council.

- In the event of a recipient of assistance pursuing a successful insurance claim, action for legal damages etc. which covers the cost of works for which assistance was previously paid, the applicant will on demand repay the total value of assistance paid relating to such works or the value of the insurance payment/legal damages if lower.
- The council will not undertake works on behalf of applicants, except where works may be due in default of an owner's, tenants etc. failure to comply with a statutory notice.
- The council or their agents will hold final authority to determine what works are agreed works although it is acceptable for owners, tenants or their agents etc. to draw up initial schedules of work which may be reduced or added to by the council in terms of work qualifying for possible assistance.
- The payment of any assistance approved will normally only be considered after any applicants contribution has been accounted for in the value of invoices submitted.
- The responsibility to gain all necessary approvals for works to be undertaken with assistance rests with the applicant or their agent, such approvals may be Planning Permission or Building Regulation Approval or any of the matters raised within the terms and conditions of assistance.
- Financial assistance will only be approved for the benefit of applicants who are able to provide evidence of a valid National Insurance Number.
- The financial assistance the council awards are all subject to levels of available funding in each financial year and as such the council reserves the right to defer approval, or even consideration, of applications for periods of time of its own choosing in order to properly manage its budgets.

- In considering applications for the benefit of people with disabilities the council may choose not to grant aid adaptations for which County Council Social Services are responsible under the Chronically Sick and Disabled Persons Act 1970.
- The council may from time to time utilise special funding from central government, or other sources, aimed at specific subjects to target issues of local and national concern in accordance with any special conditions, e.g., replacement of inefficient boilers. Any special terms and conditions applicable to such initiatives will be appended to the Private Sector Housing Assistance Policy as they will not significantly alter the Council's primary approach to the subject.
- The council may not consider applications from persons, organisations etc. where there is a possible alternative source of funding for maintaining properties, e.g., the NHS.

The council reserves the right to re-consider any individual application against any of these terms and conditions upon the authority of the Head of Housing and Health.

## **Part 2 – Terms and conditions for grants (and repayable grant payments as applicable)**

- In making an application for assistance, when applicants sign the application form they are agreeing to all the terms and conditions as detailed by the council.
- Information provided to the council by applicants as part of the application process will be checked thoroughly and may be shared with other departments of the Council and other organisations involved in any aspect of handling public funds to prevent and detect fraud or in investigation of other possible criminal activities.



- Applications or enquiries will only be accepted on the prescribed forms of the Council.
- An application will only be considered to be complete if it includes all the information required with the signature of the applicant.
- Applicants must be 18 years of age or older at the date of application and in the case of joint applications one must be over 18 at the date of application.
- It is a condition of all forms of assistance that repayment is received in accordance with the terms of approval of the financial assistance.
- Applicants for assistance which require a means test or an enquiry to be made of the commercial financial markets for availability of loans or equity release etc., will be required to complete details of financial circumstances on a form provided by the council requiring answers to pre-set questions. In completing this form applicants will be required to sign a declaration as to the accuracy of information provided and that of supporting paperwork, e.g., wage slips and accounts etc. The council will routinely carry out cross checks on information provided. Applicants who have within the previous 12 months applied for an income related benefit will be asked to authorise the provision by the relevant agency of the full statement of calculation of the benefit entitlement.
- No application will be accepted for works required to reinstate any dwelling designated as defective under Section 528 or 559 of the Housing Act 1985, although applications for other types of work to defective dwellings will be considered, e.g., for a disabled facilities grant.
- All applications for assistance must be accompanied by an owner/occupation certificate which state the applicant has or proposes to acquire a qualifying interest in the property subject to the application for assistance. In addition to the following:
  - Owner Occupation Certificate: that throughout a period of 10 years from the completion date she/he or a member of the family intends to live in the dwelling as their only or main residence.

Proof of title shall also be required to enable property ownership to be confirmed, and consent of any mortgagee will be needed.

- It is the applicant who employs the builder to undertake agreed works and the council has no contractual liabilities in that relationship as its role is only to administer the grant process.
- The applicant is ultimately responsible for ensuring the quality of the completed works; the responsibility can be passed on to an agent of the applicant, e.g., an architect or a Home Improvement Agency.
- If an applicant submits an estimate/quote from a member of their family who then carries out the agreed works the grant will only be paid on the basis of the cost of materials and not labour.
- Applications must be from qualifying tenants who according to the terms of their lease are responsible for the work for which assistance is being sought.
- In the case of applications initiated by a qualifying tenant they must be accompanied by a tenants certificate stating that the applicant is a qualifying tenant of the dwelling and that she/he or a member of the family intends to live in the dwelling as their only or main residence. A tenant's application must also be supported by the landlord's completion of a certificate of intended letting unless such is not forthcoming and the works are required to remove risk to the tenant's health and/or safety. In all other circumstances work to a property will require the owner's written authority and that of the mortgagee.
- An application for assistance towards works that have already been completed will not be processed. Any part of works not commenced, which would otherwise have been considered for assistance may be processed for possible financial assistance as long as work is not commenced prior to formal approval.
- The amount of financial assistance payable shall be the actual cost of undertaking the works plus any associated fees, less any owner's etc. contribution, up to the total value of the assistance approved. Additional

funding will only be provided above the original approval level in the event of unforeseen work being needed to allow completion of eligible works or associated works of a nature to protect the health and safety of occupiers, or evidenced increases in costs to the contractor from their suppliers etc. A formal re-approval to a higher level of assistance will be required before any payment above the originally approved level is paid.

- All payments shall be conditional upon receipt of an acceptable invoice and made direct to the appropriate contractor following agreement with the applicant that works to the appropriate stage have been satisfactorily completed. In a situation of dispute between the applicant and contractor, which is not resolved in a reasonable time period the grant, or part thereof, may be paid to the applicant, agent or contractor at the discretion of the council.
- The council will include the cost of preliminary or ancillary services fees and charges within the calculation of assistance; each submission of fees will be individually considered for reasonableness. The payment of any such fees is conditional on a grant being approved and the completion of all specified works, otherwise the council will not be held responsible for any fees incurred before or after approval.
- The council will consider requests for interim payments such that no interim payment will normally be for more than 90% of the cost of completed work and in aggregate no more than 90% of the total approved amount before final completion.
- The council will determine on each approval document the time period allowed for works to be completed, which will not normally exceed 12 months and may be significantly shorter for small items of work, in particular for small grants for emergency repairs.
- The works must be carried out by one of the contractors whose estimates/quotations were submitted as part of the application process, unless otherwise agreed by the council, the loan/grant having been calculated using the lowest priced estimate/quotation.

- The number of estimates/quotations accompanying an application for a grant for works costing in up to of £1,000 shall be at least one estimate/quotation, but normally two, shall be provided. The council reserve the right to ask for more estimates/quotations if they are not satisfied with those submitted, or to accept a single quotation where two would normally be required for work from specialist contractors where the Service Manager - Environmental Health is satisfied that best value is achieved and obtaining more quotations is not necessary or practical in the circumstances.
- Applicants should contact the council to report a change in personal and/or financial circumstance. Where an applicant's circumstances change or are confirmed as different from originally stated, after approval is issued, such that approval would no longer be given, then the grant approval will be cancelled and no payments will be made, or no further payments will be made where interim payments have already been paid, except in exceptional circumstances when the Head of Housing and Health may give authority to provide further funding so as to conclude work at a suitable and appropriate stage. Where payments have been made, the local authority may demand repayment together with compound interest from the date on which payment was made until repayment, at such reasonable rate as the council may determine.
- In any case where financial circumstances at the time of application are later confirmed differently to those submitted by the applicant/s such that after approval a new processing of information would lead to reduced assistance or denial of assistance then the original approval will be amended/cancelled and the local authority may demand repayment together with compound interest from the date on which payment was made until repayment, at such reasonable rate as the council may determine to recover any over payment. In such circumstances the local authority may choose to cancel the whole approval or demand repayment of all monies paid, plus compound interest, despite the fact that a reduced level of assistance would have been approved, where it is felt the degree of error in the applicant completing the original means test forms is such to suggest a deliberate attempt to deceive.
- In certain circumstances where the council believe that actions of applicants may have been taken to deliberately defraud the Council a file will be passed

to the Police for investigation.

- In the 10 year period following final payment of assistance monies the applicant shall upon written request from the council, reply in writing, within 21 days of the date of the request stating how they are complying with any of the terms and conditions of the assistance enquired about. Failure to comply with this item will be deemed a failure of assistance conditions requiring total repayment of financial assistance plus compound interest at a reasonable rate determined by the council.
- In the event of a recipient of assistance pursuing a successful insurance claim, action for legal damages etc. which covers the cost of works for which assistance was previously paid, the applicant will on demand repay the total value of assistance paid relating to such works or the value of the insurance payment/legal damages if lower.
- The council will not undertake works on behalf of applicants, except where works may be due in default of an owner's, tenants etc. failure to comply with a statutory notice.
- The council or their agents will hold final authority to determine what works are agreed works although it is acceptable for owners, tenants or their agents etc. to draw up initial schedules of work which may be reduced or added to by the council in terms of work qualifying for possible assistance.
- The payment of any assistance approved will normally only be considered after any applicants contribution has been accounted for in the value of invoices submitted.
- The responsibility to gain all necessary approvals for works to be undertaken with assistance rests with the applicant or their agent, such approvals may be Planning Permission or Building Regulation Approval or any of the matters raised within the terms and conditions of assistance.
- Financial assistance will only be approved for the benefit of applicants who are able to provide evidence of a valid National Insurance Number.

- The financial assistance the council awards are all subject to levels of available funding in each financial year and as such the Council reserves the right to defer approval, or even consideration, of applications for periods of time of its own choosing in order to properly manage its budgets.
- In considering applications for the benefit of people with disabilities the council may choose not to grant aid adaptations for which County Council Social Services are responsible under the Chronically Sick and Disabled Persons Act 1970.
- The council may from time to time utilise special funding from central government, or other sources, aimed at specific subjects to target issues of local and national concern in accordance with any special conditions, e.g., replacement of inefficient boilers. Any special terms and conditions applicable to such initiatives will be appended to the Private Sector Housing Assistance Policy as they will not significantly alter the council's primary approach to the subject.
- The council may not consider applications from persons, organisations etc. where there is a possible alternative source of funding for maintaining properties, e.g., the NHS.
- The council reserves the right to re-consider any individual application against any of these terms and conditions upon the authority of the Head of Housing and Health.

## Appendix C – Definitions

**Administration Charge** will be imposed by the Council to cover the cost (plus VAT) of its officers organising works in default of an owner, e.g., after a statutory notice has not been complied with or when a responsible person requests the Council to organise works.

**Agreed Works** are those works appearing on a schedule produced or authorised by the Council.

**Category 1 hazards** are the most serious risks and hazards to health and safety from any deficiencies identified in dwellings. Local authorities use the housing health and safety rating system (HHSRS) risk-based evaluation tool to identify and categorise these hazards.

**Charge on a Property** is where the local authority legally places a debt on the record of a property and recovers the debt, plus interest, upon its sale if not settled beforehand.

A **Decent Home** is one that meets the following requirements:

- It is free of Category 1 hazards.
- It is in a reasonable state of repair.
- It has reasonably modern facilities and services.
- It provides a reasonable degree of thermal comfort.

**Grant** – a payment from the council with no requirement to repay the money advanced.

**Housing Health and Safety Rating System (HHSRS)** is a risk-based evaluation tool to help local authorities identify and protect against potential risks and hazards to health and safety from any deficiencies identified in dwellings introduced under the Housing Act 2004.

**Household Income** means the amount of money the financial markets will consider available from a household to fund a loan, but will not include income from children etc. residing in the home, but purely from owner/s and any spouse or partner living in the property.

**Loan** means a sum of money advanced by the council on which interest accrues until the loan is repaid. The original loan value and interest will be subject to a charge on the property benefiting from the works funded by the loan. It will need to be repaid, whether from the disposal of the property or by some other means determined by the loan beneficiary or his/her estate.

**Means Tested Benefits** is any specified income based benefit received by an applicant.

**Member of the family** includes spouses, persons who live together as husband and wife, parents, grandparents, children, grandchildren, brothers, sisters, uncles, aunts, nephews and nieces.

**Person with a disability/people with disabilities** means an individual is registered as a person with a disability or, in the opinion of the Social Services Authority is registerable as a person with a disability. This definition recognises the fact that the majority of people will not be on a register.

**Preliminary or Ancillary Services, Fees and Charges** which may be included in a grant application are:

- Technical and structural surveys;
- design and preparation of plans and drawings; and preparation of schedules of works;
- obtaining of estimates and valuations;
- applications for building regulations approval and planning permission;
- supervision of works;
- disconnection and reconnection of electricity, gas, water and drainage utilities made necessary by the works (but no charges arising out of non-payment of bills);
- advice on contracts and on financing the cost of works.

Including such services given by or through home improvement agencies.

**Qualifying Tenant** means a tenant who within their tenancy agreement has the responsibility to repair or maintain the element of a structure for which they are seeking assistance.

**Reasonable Repair** means the Council shall have due regard to the age and character of a dwelling and the locality in which it is situated, but not its state of internal decoration, when considering its condition.

**Repayable grant payment** means a sum of money advanced by the council for which a charge of the property benefiting from the works funded by the loan will



be made. The sum of money will need to be repaid in full, whether from the disposal of the property or by some other means determined by the loan beneficiary or his/her estate, unless provision is clearly made at the time the grant is made for any future reduction in the amount payable.

**Works in Default** means works that the Council organise and possibly carry out as a result of the recipient of a statutory notice failing to comply with its requirements within a reasonable period of time.

## **Appendix D – Comments, Compliments and Complaints**

If anyone is unhappy with the service provided they should first seek the assistance of the person who has been dealing with their case and give them the opportunity to improve matters or explain why things have happened as they have.

If after contact with the officer dealing with the case a customer is still dissatisfied and wishes to explore the matter further they should contact the Head of Housing and Health, at Wallfields, Pegs Lane, Hertford, SG13 8EQ, telephone 01279 655261, who will provide a full written response within 10 working days of becoming aware of the matter. In the event of all enquiries not being complete to enable a full response within 10 working days an interim response will be made indicating when a full response may be expected.

If after speaking to the Head of Housing and Health the customer is still dissatisfied, the Council's complaints procedure should be followed. For more information, see the [Comments, Compliments and Complaints page](#) on our website.

If you would like to provide feedback to the Council then please see our [Comments, Compliments and Complaints page](#) for the appropriate online form.

If you are unable to fill forms in online, please send a letter into East Herts Council, Wallfields, Pegs Lane, Hertford, SG13 8EQ.

If you have followed our complaints procedure and you are still not happy, you may contact the Local Government Ombudsman's Helpline Team (Tel. 0300 061 0614).

The Local Government Ombudsman, PO Box 4771, Coventry, CV4 0EH

## **Appendix E – Diversity**

The Council is committed to equality of access to its services and has adopted a 'Diversity and Equality Policy'. This policy will be followed by officers when carrying out their duties. The policy statement reads as follows:

'East Herts Council is firmly committed to providing and promoting equality for all its employees and the wider community. The Council has adopted this policy to ensure equality influences the way we provide services and the employment of staff. To achieve this we will endeavour to create an environment in which there is respect for every individual and recognition that no member of the public, employee, potential employee, service user or Councillor will be discriminated against irrespective of their gender, race, ethnicity, colour, marital status, disability, age, sexuality, family responsibilities, religion, trade union involvement or political beliefs. Neither shall they be disadvantaged by conditions or requirements that cannot be shown to be justifiable for health and safety or legal reasons. This is not an exhaustive list and the Council recognises that there are other groups who may face unlawful discrimination.

In respect of race equality the Council has adopted the McPherson's definition of a racist incident 'a racial incident is any incident which is perceived to be racist by the victim or any other person'.

The Council follows the Codes of Practice of the Commission for Racial Equality and Equal Opportunity Commission, and it is committed to achieving the Equality Standard for local government.

We believe in the need to eliminate unlawful discrimination and to promote equality of opportunity in all that we do. We recognise the rich diversity of East Hertfordshire's population as a strength and we aim to treat all people with dignity and respect whilst recognising the value of each individual and the positive contribution they make to the diverse community and workforce.'