

Agenda

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Housing Panel (Panel of the Scrutiny Committee)

Date: **Thursday 12 October 2017**

Time: **5.00 pm**

Place: **Plowman Room - Town Hall**

For any further information please contact:

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Housing Panel (Panel of the Scrutiny Committee)

Membership

Chair	Councillor David Henwood
	Councillor Angie Goff
	Councillor Jennifer Pegg
	Councillor Gill Sanders
	Councillor David Thomas
	Councillor Elizabeth Wade
	Geno Humphrey (co-optee)

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AGENDA

Pages

1 APOLOGIES

Substitutes are not allowed.

2 DECLARATIONS OF INTEREST

3 REGULATING THE PRIVATE RENTED SECTOR

5.00 PM 40 MINS

7 - 34

Background Information
The City Executive Board on 16 October will be asked to: 1. Approve the option of establishing and pursuing a 5 year proactive inspection programme of unlicensed privately rented properties. 2. Approve the use of all the funds generated from Civil Penalties issued under the Housing and Planning Act 2016 for the purposes of enforcement in the private rented sector. 3. Approve the Civil Penalty Protocol and delegate authority to the Head of Service for Planning, Sustainable Development and Regulatory Services to review and update the protocol subject to the agreement of the Head of Law and Governance and the Executive Director.
Why is it on the agenda?
The Scrutiny Committee asked for this item to be included on the agenda for pre-decision scrutiny. This is an opportunity for the Panel to make recommendations to the City Executive Board.
Who has been invited to comment?
<ul style="list-style-type: none">• Cllr Alex Hollingsworth, Board Member for Planning & Regulatory;• Ian Wright, Environmental Health Service Manager.

4 DRAFT HOUSING ASSISTANCE AND DISABLED ADAPTATIONS POLICY 2018

5.40 PM 30 MINS

35 - 94

Background Information
The City Executive Board on 16 October will be asked to approve the draft Housing Assistance and Disabled Adaptation Policy for a city wide consultation.
Why is it on the agenda?
The Scrutiny Committee asked for this item to be included on the agenda for pre-decision scrutiny. This is an opportunity for the Panel to make recommendations to the City Executive Board.
Who has been invited to comment?
<ul style="list-style-type: none">• Cllr Mike Rowley, Board Member for Housing;• Ian Wright, Environmental Health Service Manager;• Becky Bell, Home Improvement Agency Team Manager.

5 HOUSING PERFORMANCE - QUARTER 1

6.10 PM 10 MINS

95 - 98

Background Information
The Housing Panel has a role in monitoring Council performance against housing targets. This report contains outcomes at the end of July 2017/18 for a set of housing performance indicators. The Panel has also asked to monitor the numbers of households and children living in temporary accommodation.
Why is it on the agenda?
For the Panel to note and comment on housing performance. The numbers of households and children living in temporary accommodation at the end of September 2017 will be provided to the Panel in November.
Who has been invited to comment?
<ul style="list-style-type: none">• Cllr Mike Rowley, Board Member for Housing;• Stephen Clarke, Head of Housing Services.

6 TOWER BLOCK FIRE SAFETY - VERBAL UPDATE

6.20 PM 20 MINS

Background Information
The Panel previously considered the issue of fire safety in Oxford tower blocks at a meeting in July. The Panel asked to be kept informed by receiving regular verbal briefings from the Head of Housing Services.
Why is it on the agenda?
For the Panel to note and comment on any developments.
Who has been invited to comment?
<ul style="list-style-type: none">• Cllr Mike Rowley, Board Member for Housing;• Stephen Clarke, Head of Housing Services.

7 LUCY FAITHFULL HOUSE

6.40 PM 30 MINS

99 - 106

Background Information
The City Executive Board on 16 October will be asked to: <ol style="list-style-type: none">1. Authorise the demolition of Lucy Faithfull House.2. Authorise officers to investigate the viability of undertaking the development of the site as outlined below with Oxford City Housing Limited (OCHL) as part of its overall development programme.
Why is it on the agenda?
The Chair asked for this item to be included on the agenda for pre-decision scrutiny. This is an opportunity for the Panel to make recommendations to the City Executive Board.
Who has been invited to comment?
<ul style="list-style-type: none">• Cllr Mike Rowley, Board Member for Housing;• Alan Wylde, Housing Development & Enabling Manager.

8	HOUSING PANEL WORK PLAN	107 - 108
	For the Panel to note and agree its work plan, which can be adjusted to reflect the wishes of the Panel.	
9	NOTES OF PREVIOUS MEETING	109 - 114
	For the Panel to approve the record of the meeting held on 11 September 2017.	
10	DATE OF NEXT MEETING	
	Meetings are scheduled as follows:	
	13 November 2017	
	16 January 2018 – Provisional for Housing and Homelessness Strategy	
	8 March 2018	
	9 April 2018	
	All meetings begin at 5.00pm.	
	Housing Panel members are also invited to attend a scrutiny budget review meeting on 8 January 2018 (5.30pm start).	

DECLARING INTERESTS

General duty

You must declare any disclosable pecuniary interests when the meeting reaches the item on the agenda headed "Declarations of Interest" or as soon as it becomes apparent to you.

What is a disclosable pecuniary interest?

Disclosable pecuniary interests relate to your* employment; sponsorship (ie payment for expenses incurred by you in carrying out your duties as a councillor or towards your election expenses); contracts; land in the Council's area; licences for land in the Council's area; corporate tenancies; and securities. These declarations must be recorded in each councillor's Register of Interests which is publicly available on the Council's website.

Declaring an interest

Where any matter disclosed in your Register of Interests is being considered at a meeting, you must declare that you have an interest. You should also disclose the nature as well as the existence of the interest.

If you have a disclosable pecuniary interest, after having declared it at the meeting you must not participate in discussion or voting on the item and must withdraw from the meeting whilst the matter is discussed.

Members' Code of Conduct and public perception

Even if you do not have a disclosable pecuniary interest in a matter, the Members' Code of Conduct says that a member "must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself" and that "you must not place yourself in situations where your honesty and integrity may be questioned". What this means is that the matter of interests must be viewed within the context of the Code as a whole and regard should continue to be paid to the perception of the public.

*Disclosable pecuniary interests that must be declared are not only those of the member her or himself but also those of the member's spouse, civil partner or person they are living with as husband or wife or as if they were civil partners.

To: City Executive Board
Date: 16th October 2017
Report of: Head of Planning, Sustainable Development and Regulatory Services
Title of Report: Regulating the Private Rented Sector in Oxford

Summary and recommendations	
Purpose of report:	The report sets out the preferred option for changing the regulation of the private rented sector in Oxford.
Key decision:	Yes
Executive Board Member:	Councillor Alex Hollingsworth, Board Member for Planning and Regulatory Services
Corporate Priority:	Meeting Housing Need
Policy Framework:	Private Sector Housing Policy 2016-2019.
Recommendation(s): That the City Executive Board resolves to:	
<ol style="list-style-type: none"> 1. Approve the option of establishing and pursuing a 5 year proactive inspection programme of unlicensed privately rented properties. 2. Approve the use of all the funds generated from Civil Penalties issued under the Housing and Planning Act 2016 for the purposes of enforcement in the private rented sector. 3. Approve the Civil Penalty Protocol and delegate authority to the Head of Service for Planning, Sustainable Development and Regulatory Services to review and update the protocol subject to the agreement of the Head of Law and Governance and the Executive Director. 	
Appendices	
Appendix 1	Private Rented Sector Options Paper
Appendix 2	Civil Penalty Protocol
Appendix 3	Risk register
Appendix 4	Equalities Impact Assessment

Introduction and background

1. The private rented sector (PRS) plays a significant role in Oxford, accounting for 30% of the housing stock in the City and the Private Sector Housing Policy 2016-2019 sets out the Council's priorities with regard to regulating the PRS, which are:
 - Priority 1 – HMO Licensing
 - Priority 2 – Regulation and Improvement of Dwellings Occupied by Families or Single Occupants
 - Priority 3 – Unlawful Dwellings
 - Priority 4 – Housing Assistance
2. Whilst the Council introduced citywide licensing for Houses in Multiple Occupation (HMO) in 2011, there are approximately 12,000 properties in the PRS that are not HMOs and are not licensed by the Council.
3. The Private Sector Housing Policy included a commitment to identify the best option to improve management and property conditions and reduce Anti Social Behaviour in the unlicensed PRS and to consider the introduction of a Selective Licensing Scheme for PRS properties Oxford under Part 3 of the Housing Act 2004. This would introduce similar powers to the existing HMO Licensing Scheme. However, since that time the government has introduced a number of constraints on Selective Licensing schemes that limited its potential effectiveness in the Oxford context. This report reviews the options available and makes recommendations as to the way forward.

Options considered

4. A detailed analysis of the options considered can be found in the Private Rented Sector Options Paper at Appendix 1.
5. Selective Licensing powers can be used to regulate properties in the PRS in a similar manner to the licensing of Houses in Multiple Occupation and given the positive impacts of the Council's citywide licensing of HMOs, the introduction of a Selective Licensing Scheme was considered a strong option.
6. However, the use of Selective Licensing by local authorities to regulate the PRS has declined significantly since the government amended the general consent powers in 2015. Local authorities now have to seek confirmation from the Secretary of State for any Selective Licensing Scheme covering more than 20% of their geographical area, or affecting more than 20% of privately rented homes in the local authority area. The refusal to confirm the proposed borough wide licensing scheme proposed by the London Borough of Redbridge in 2015 sent out a strong message that large scale schemes would not be approved and that the government wanted to see councils adopting a more targeted approach to property licensing.
7. The government also introduced conditions relating to the introduction of Selective Licensing Schemes and these limit the areas where schemes can be introduced. One of these conditions relates to the scale of the PRS in an area and some of the Wards of greatest concern in Oxford contain levels of private renting that are below the government's threshold of 20%.
8. With these restrictions in mind three possible Selective Licensing areas were worked up in the Private Rented Sector Options Paper (Appendix 1), showing the

pros and cons of each. The third option examined was seen as the least worst, and would have introduced Selective Licensing into 13 out of 24 wards and resulting in approximately 6,000 properties requiring a licence, making it the largest intervention in regulating the PRS ever undertaken by a district council. This option would have been targeted at many of the wards in the city with the highest concerns and whilst covering a substantial part of the City, officers believe that it would have satisfied DCLG's requirements for approval. However there were substantial risks and weakness associated with this option:

- A substantial number of staff and further investment in IT would be required, particularly in the application processing service in the first three years when application numbers would be high.
 - The scheme could not have been applied to wards with some of the biggest problems, which would have generated a range of issues and reputational challenges. Given the high level of renting across Oxford tenants, landlords and the public would be confused by the rationale behind which areas had been selected for licensing, undermining support for the scheme from all these groups.
 - Wards in the City where there is clear evidence of poor standards and high levels of enforcement, but relatively low numbers of rented properties would not be covered by the licensing scheme, potentially making these areas attractive to landlords wanting to avoid regulation.
9. Local authorities must bear in mind their obligations under Section 81 of the Housing Act 2004 to coordinate licensing schemes with their overall housing strategy and, in particular, to consider whether there were other or lesser options which might achieve the same results. The government has made it clear in its guidance that licensing is to be seen more as an option of last resort rather than the preferred course of action and this is backed up by limiting licensing schemes to a five year period with a requirement for a periodic review. It is in this context that the option to increase the proactive inspection programme, rather than pursue selective licensing was considered to be the preferable approach at this time.

Preferred option – Proactive Enforcement

10. The Council already has proactive programmes in place to inspect 275 non-HMO PRS properties and target 10 unlawful developments per year. However, these proactive programmes are relatively small compared to the size of the non-HMO sector and the challenge is to increase the scale of proactive inspections to make a real impact.
11. The Housing and Planning Act 2016 introduced the following new powers to tackle rogue landlords and property agents:
- Banning orders for the most prolific offenders
 - Database of rogue landlords/property agents
 - Civil penalties of up to £30,000
 - Extension of Rent Repayment Orders
 - Tougher Fit and Proper Person test for landlords
 - Tenancy Deposit Protection Scheme data sharing.

12. The new power to impose civil penalties up to £30,000 is a significant change and when civil penalties were introduced Ministers made it very clear that they expected this power to be used robustly as a way of clamping down on rogue landlords.
13. In addition, regulations have been introduced that provide local authorities with the power to retain any financial penalty to meet the costs and expenses (whether administrative or legal) incurred in, or associated with, carrying out enforcement functions in relation to the PRS. This gives local authorities the opportunity to create a ring fenced account to fund further enforcement activity.
14. The Council has a strong enforcement record and already has a Corporate Enforcement Policy and the Private Sector Housing Policy 2016-2019 sets out the Council's approach to enforcement in the PRS. A Civil Penalties Protocol has been developed that takes into account the Council's Corporate Enforcement Policy and the statutory guidance from DCLG. It is based on other local authority's policies and guidance from organisations such as the Local Government Association. The proposed protocol on the Council's approach to civil penalties is attached for approval at Appendix 2. As this is a new and developing area of housing law it is proposed that the power to make changes to the protocol in light of national best practice or new case law is delegated to the Head of Service for Planning, Sustainable Development and Regulatory Services subject to the agreement of the Head of Law and Governance and the Executive Director.
15. The proposed Civil Penalties Protocol will be used to decide when a civil penalty is a suitable alternative to prosecution and to calculate the level of the penalty to be imposed. There are internal and statutory processes in place that protect the rights of landlords and letting agents and ensure that a civil penalty is given full consideration before it is issued. There is oversight from the Law & Governance Service and senior management reviews before a notice of intention to serve a civil penalty can be issued, which is the first stage of the process. The recipient of an intention notice has a statutory opportunity to represent to the Council against the imposition of a civil penalty which the Council must consider before issuing a final notice for the civil penalty. There is then a further statutory right of appeal to the First Tier Tribunal once a final notice for the civil penalty has been issued.
16. The increased pro-active inspection and enforcement approach will need to become self-funding as quickly as possible. It is therefore recommended that the money raised from civil penalties is used to fund an enlarged proactive inspection programme. It has been estimated that the income could be in the region of £125k p.a. and that this would finance 2 additional Environmental Health Officers who will focus exclusively on proactive inspections of the non-HMO PRS stock.
17. In addition the Council has been successful in securing £275k of government funding to reinvigorate the Unlawful Developments Programme until 2018/19 and the work of this team will inevitably result in visits to and inspections of non-HMO PRS stock.
18. These extra resources will significantly boost the existing proactive inspection programme to an estimated 700 inspections a year, which, if targeted at the high risk stock areas and landlords, will have a significant impact on property conditions in the City.
19. A stock modelling survey carried out by the Buildings Research Establishment (BRE) in 2014 provided data on the condition of the stock and identified the areas of the City that contains the housing in the poorest condition. It has been estimated

that there are approximately 3,300 properties in the non-HMO PRS that contain category 1 hazards that require remedial action and so the proactive inspection programme will targeted at these properties.

20. The information from the BRE survey is being combined with other data sources such as tenancy deposit data, EPC data, the electoral roll, Council Tax etc. to further refine the current intelligence led inspection programme.
21. The proactive programme will need to be in operation for 5 years to enable inspections of all the properties that require remedial action. During that time the condition survey will also need to be updated, the ring-fenced funds can also be used for that purpose.
22. The advantages of this approach in comparison with selective licensing are that the improvements will be across the City rather than being confined to one area, that rogue landlords will not be able to relocate to other parts of the City to avoid licensing, that work will closely follow our targeting using intelligence and that no additional funding will be needed.

Financial implications

23. The aim is to create a self funded resource using the income from civil penalties and more detailed proposals for the scheme are contained in paragraphs 30 – 36 of Appendix 1.
24. The proposed approach is to move to recruitment on fixed term contracts once sufficient funds have been accrued in a ring fenced account.

Legal issues

25. The use of civil penalties in the regulation of the PRS is a new activity and there will no doubt be challenges given the scale of the potential fines. It is anticipated that the time currently spent by Law & Governance in preparing cases for court will in future be taken up preparing cases for appeal at the First Tier Tribunal. The day to day enforcement work of improving properties will create no new legal issues beyond those already generated by the Service. The delegated power to amend the civil penalties protocol, subject to the necessary oversight, will improve the Council's ability to respond to the development of national best practice and future case law.
26. Regulation 4 of the Rent Repayment Orders and Financial Penalties (Amounts Recovered) (England) Regulations 2017 restricts the use of civil penalty income to supporting enforcement work in the private rented sector and any funding not so used must be paid to the government.

Level of risk

27. The completed Risk Register is attached as Appendix 3 and there are four key risks. The civil penalty procedure is subject to an appeal mechanism through the First Tier Tribunal. Nationally, local authorities are anticipating a large number of appeals given the high value of penalties that can be imposed and the low cost of an appeal. There is the potential for adverse case law to be generated that has a negative impact on the ability to successfully issue civil penalties. Secondly, the penalty is a debt that in the event of non-payment has to be recovered using civil recovery proceedings against assets, for example, houses, goods and vehicles. The third risk is that compliance rates in the HMO sector improve and that

insufficient civil penalties are issued to sustainably fund the proactive programme. The fourth risk is that the targeting of inspections is insufficiently accurate and resources are not used effectively.

Equalities impact

28. The Equalities Impact Assessment is attached as Appendix 4. No negative impacts were identified and improved property standards will have a positive effect for everyone living in the PRS.

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Background Papers: None	

PRS Inspection Plan

Introduction

1. The Council is committed to improving standards in the PRS and this is reflected in Priority 2 in the Private Sector Housing Policy 2016-19, which contains the objective, “significantly improve management and property conditions and reduce ASB in the PRS”. The action associated with this objective is to assess the evidence, identify the best option and subject to legal advice and DCLG approval if necessary, commence the introduction of a Selective Licensing Scheme for PRS single occupied dwellings.

Selective Licensing

2. Under Part 3 of the Housing Act 2004 a local housing authority can designate the whole or any part or parts of its area as subject to selective licensing. Where a selective licensing designation is made it applies to privately rented property in the area. Subject to certain exemptions specified in the Selective licensing of Houses (Specified Exemptions) (England) Order 2006, all properties in the private rented sector which are let or occupied under a licence, are required to be licensed by the local housing authority, unless the property is a House in Multiple Occupation and is required to be licensed under Part 2 of the Act.

3. Local authorities are required to show how a selective licensing designation will improve an area, and how the designation will work alongside other existing policies or measures that are already being taken i.e.

- a) the authority must ensure that any exercise of the power is consistent with the authority’s overall housing strategy;
- b) the authority must also seek to adopt a co-ordinated approach in connection with dealing with homelessness, empty properties and anti-social behaviour, both:
 - as regards combining Selective Licensing with other courses of action available to them; and
 - as regards combining Selective Licensing with measures taken by other persons.
- c) they have considered whether there are any other courses of action available to them (of whatever nature) that might provide an effective method of achieving the objective or objectives that the designation would be intended to achieve, and
- d) they consider that making the designation will significantly assist them to achieve the objective or objectives (whether or not they take any other course of action as well).

4. A selective licensing designation may be made if the area to which it relates has high levels of private rented stock (currently the national average of the PRS is 20% of the stock) and the area is experiencing one or more of the following conditions:

- low housing demand (or is likely to become such an area);
- a significant and persistent problem caused by anti-social behaviour;

Appendix 1

- poor property conditions;
- high levels of migration;
- high level of deprivation;
- high levels of crime.

5. The guidance from DCLG states that authorities must use the data from the 2011 Census to calculate the level of private rented stock in an area.

6. With effect from 1 April 2015, a new General Approval came into force which required Local authorities to obtain confirmation from the Secretary of State for any selective licensing scheme which would cover more than 20% of their geographical area or would affect more than 20% of privately rented homes in the local authority area.

7. Under the new arrangements if a local housing authority makes a designation that covers 20% or less of its geographical area or privately rented properties, the scheme will not need to be submitted to the Secretary of State, provided the authority has consulted for at least 10 weeks on the proposed designation. However, if the local housing authority makes one or more designations that are in force partly concurrent to an existing scheme, and cumulatively all the designations cover more than 20% of the area or the private rented stock, those new designations will need to be submitted to the Secretary of State for approval. Likewise if the local housing authority makes two or more designations at the same time, each of which account for less than 20% of the area or private rented stock, but cumulatively account for more than 20% of either, all of the schemes will need to be submitted to the Secretary of State for confirmation.

8. When considering whether to make a selective licensing designation a local housing authority must first identify the objective or objectives that a designation will help it achieve. In other words it must identify whether the area is suffering problems that are caused by or attributable to any of the criteria for making the designation and what it expects the designation to achieve - for example, in Oxford our aim would be an improvement in property conditions in the designated area.

9. Secondly, it must also consider whether there are any other courses of action available to it that would achieve the same objective or objectives as the proposed scheme without the need for the designation to be made. For example, if the area is suffering from poor property conditions, is a programme of targeted enforcement an alternative to making the designation?

10. Only where there is no practical and beneficial alternative to a designation should a scheme be made.

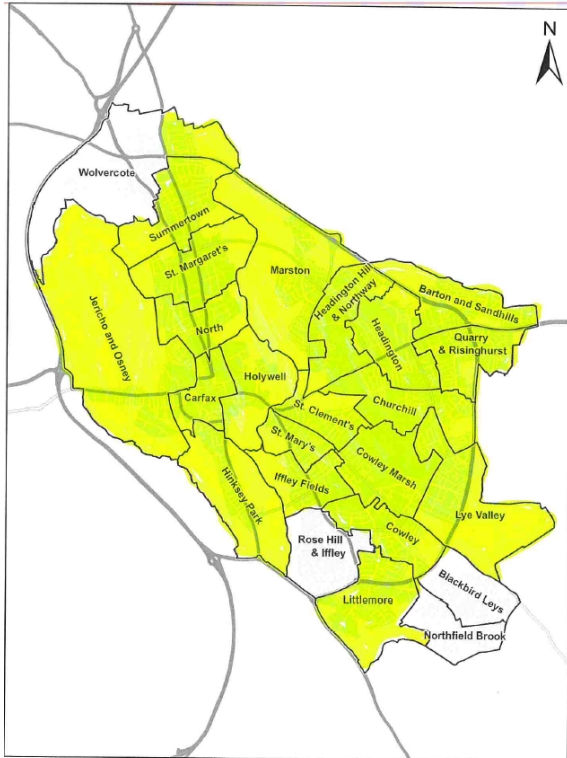
11. It is possible to identify the wards in the City which meet the DCLG criteria of high levels of PRS i.e. 20% and above and where the BRE Stock Condition Survey indicates poor property conditions exist.

Appendix 1

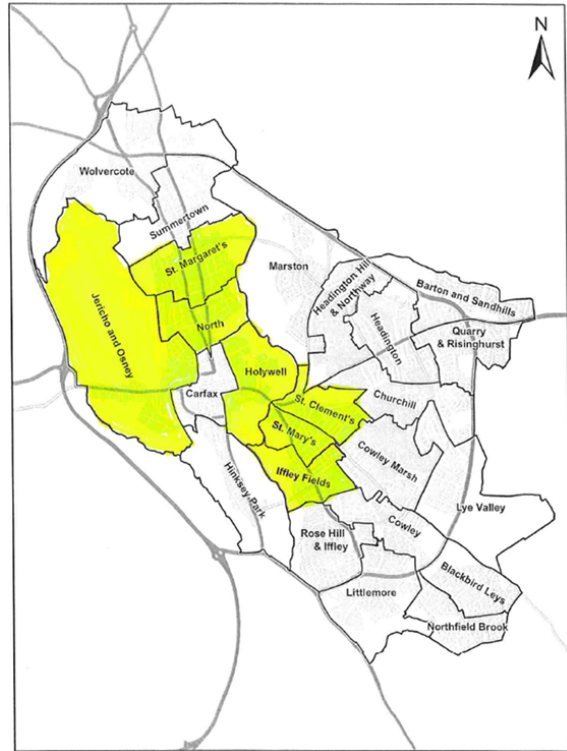
Ward	Housing	PRS	%PRS	Disrepair	HHSRS
Barton and Sandhills	2850	567	20%	11%	11%
Blackbird Leys	2361	223	9%	7%	10%
Carfax	1246	669	54%	9%	16%
Churchill	2527	651	26%	9%	12%
Cowley	2487	607	24%	17%	11%
Cowley Marsh	2691	990	37%	10%	14%
Headington	2556	809	32%	11%	15%
HH and Northway	1846	471	26%	11%	14%
Hinksey Park	2592	858	33%	13%	14%
Holywell	168	56	33%	12%	20%
Iffley Fields	2187	687	31%	17%	18%
Jericho and Osney	2856	1303	46%	12%	17%
Littlemore	2694	532	20%	14%	13%
Lye Valley	2626	719	27%	12%	11%
Marston	2516	550	22%	13%	12%
North	1802	726	40%	13%	18%
Northfield Brook	2721	316	12%	4%	7%
Quarry and Risinghurst	2639	624	24%	15%	14%
Rose Hill and Iffley	2555	396	15%	14%	15%
St Clement's	2174	968	45%	13%	17%
St Margaret's	1947	602	31%	14%	19%
St Mary's	1906	1036	54%	16%	26%
Summertown	2835	788	28%	14%	16%
Wolvercote	2593	486	19%	15%	10%
Oxford	55375	15634	28%	13%	15%
England				7%	17%

12. Using the data it is possible to create 2 readily identifiable options: Option 1 that meets both PRS and disrepair criteria and Option 2 that meets PRS, disrepair and contains higher than the national average of category 1 hazards using the HHSRS rating scheme.

Option 1 - PRS and disrepair



Option 2 - PRS, disrepair and HHSRS



13. However, discussions with DCLG have revealed that Option 1 is highly unlikely to be acceptable as the area covered by a Selective Licensing Scheme would be too large.

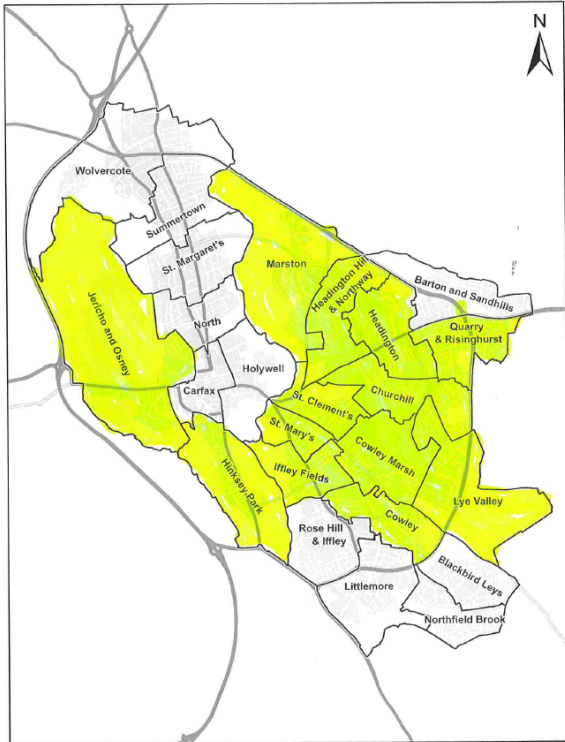
14. The area covered by Option 2 does not cover those parts of the City that generate the most concern and result in the highest levels of enforcement action.

15. It is possible to further analyse the data and reduce the number of qualifying wards for the following reasons:

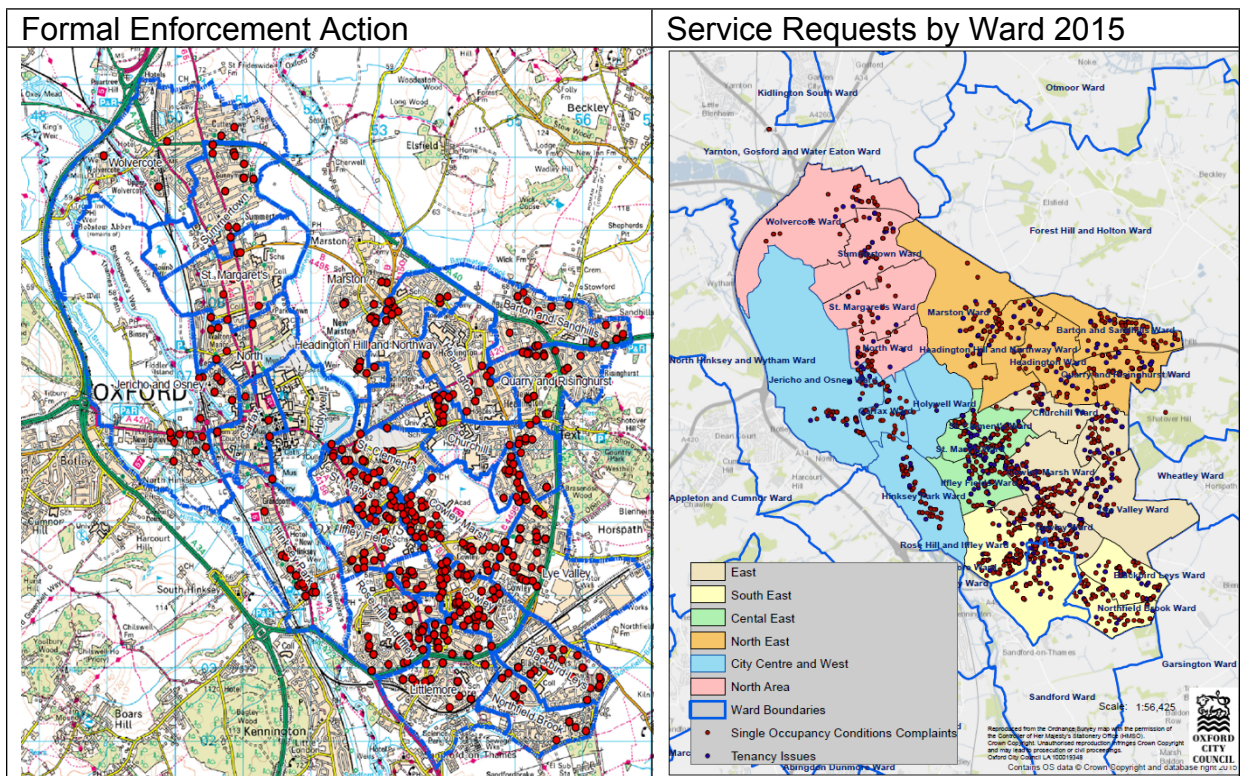
Ward	Comments
Barton and Sandhills	19.9% PRS so under 20% threshold
Carfax	City centre - PRS mainly University controlled
Holywell	City centre - PRS mainly University controlled
Littlemore	19.7% PRS so under 20% threshold
North	Low enforcement activity
St Margaret's	Low enforcement activity
Summertown	Low enforcement activity

16. This results in a third option which is shown below:

Option 3



17. However, this does not address the fact that areas where there are high levels of enforcement such as Rose Hill remain outside the area controlled by licensing. It is worth noting the concentration of notices served in Blackbird Leys, Rose Hill and Northfield Brook where PRS levels are the lowest in Oxford:



Background to Financial Penalties

18. It is apparent that the new powers granted in April 2017 to local authorities under the Housing and Planning Act 2016 to issue Financial Penalties have changed the regulatory landscape.

19. Landlords and Agents have regularly argued that local authorities should use their existing powers to proactively target rogue landlords instead of introducing licensing schemes that impact on every landlord and not just the non-compliant. Local authorities have countered that argument by stating that the available powers do not provide them with sufficient disincentive to deter rogue landlords from entering or remaining in the market and that the cost of proactive regulation is prohibitive.

20. The new Financial Penalties offer a potential solution for local authorities as the ability to issue a fine up to £30k is a significant deterrent and secondly, the Council retains the money from the fine instead of it going to the government. There is a legal requirement that any revenue derived from Financial Penalties must be used to regulate the PRS or it has to be returned to the government.

21. It would therefore be possible for any revenue from Financial Penalties to be placed into a ring fenced account and used to finance targeted proactive inspections of properties in the non-HMO PRS.

22. In addition, to go ahead and introduce a Selective Licensing Scheme without a period of using Financial Penalties to regulate the PRS could provide an opportunity for landlords and agents to criticise the Council's case for licensing and may increase the possibility of a legal challenge.

23. However, one weakness in the use of Financial Penalties is that their impact is reduced without the benefit of a licensing framework in which to operate. Out of the five offences under the Housing Act 2004 for which a Financial Penalty can be issued, three relate to licensing and of the two remaining offences only the offence of failing to comply with an Improvement Notice is likely to occur. Section 126 and Schedule 9 of the Housing and Planning Act 2016 limit Financial Penalties to the following offences:

- Failure to comply with an Improvement Notice (section 30);
- Offences in relation to licensing of Houses in Multiple Occupation (section 72);
- Offences in relation to licensing of houses under Part 3 of the Act (section 95);
- Offences of contravention of an overcrowding notice (section 139)
- Failure to comply with management regulations in respect of Houses in Multiple Occupation (section 234).

24. Nevertheless it is worthwhile examining the current non-HMO intervention work and considering how using Financial Penalties may impact upon the programme and provide an alternative to Selective Licensing.

Current Proactive PRS Interventions

25. Enforcement in the non-HMO PRS is carried out by the Private Sector Safety Team, which currently has the following resource:

Team Leader Private Sector Safety
Principal Lead Officer (Private Sector Safety)
Environmental Health Officer
Environmental Health Officer
Environmental Health Officer
Environmental Health Officer
Environmental Health Officer/ Planning Enforcement Officer
Planning Enforcement Officer
Apprentice

26. The Team carries out a wide range of statutory functions and interventions and services include dealing with poor dwelling conditions or energy performance in rented and owner occupied homes (e.g. hoarding), unlawful dwellings, licensing of caravan/mobile home parks, public health burials, the Landlords/Agents Redress Scheme, the Oxford City Landlords Accreditation Scheme and landlord/agent training and statutory nuisance investigations e.g. tents on land and pollution from canal boats. The Team also carries out the Council’s Planning Enforcement function and supports other services priorities via multi-agency work such as empty homes and waterways issues.

27. The Private Sector Safety Team currently carry out a proactive inspection programme in the non-HMO PRS. They have a target of 275 property inspections per year. The properties are selected by the following three methods:

- Using EPC data where a rented property has an F or G rating
- Whole house inspections are carried out following a service request from a tenant
- Known problem portfolios are selected for inspection

28. The proactive inspections carried out involve a full HHSRS inspection of the property and enforcement action is taken in line with the Council’s Enforcement Policy.

29. In non-HMO rental properties the primary enforcement option is the service of a notice. The type of notices served by the Council depends on the situation and circumstances found. Certain notices exist within legislation to enable the Council to gather information as part of a formal investigation. There are also specific notices for dealing with Category 1 and Category 2 hazards under Part 1 of the Housing Act 2004. The table below provides the breakdown of type of legal notices served and shows that during 2015 around 50% of the notices served were under Part 1 of the Housing Act 2004, which indicates that category 1 hazards existed under the Housing, Health and Safety Rating Scheme. Category 1 hazards are serious issues such as exposed wiring, a dangerous or broken boiler, a leaking roof and broken

Appendix 1

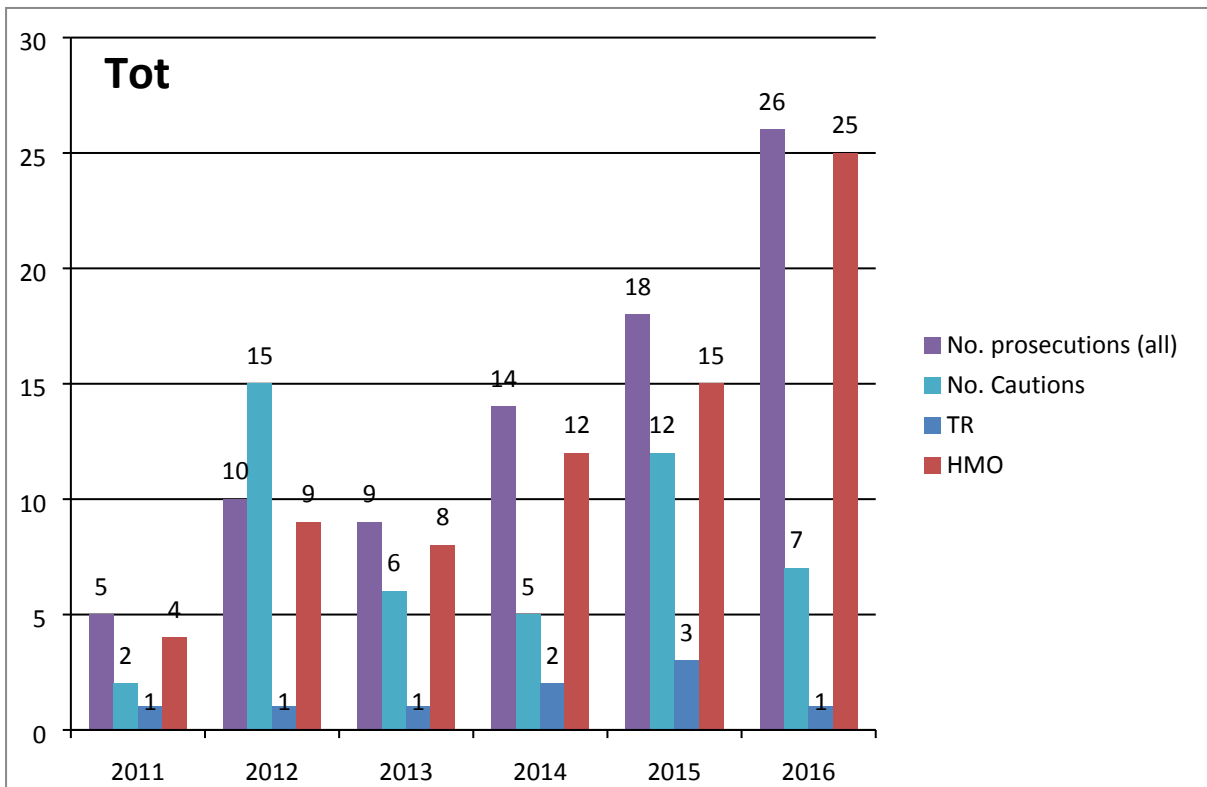
steps at the top of the stairs. The number of Housing Act notices (HA04) served is higher than expected when using the BRE estimate of 15% of properties having category 1 hazards.

	Inspections	HA04 Notices served	Other notices served
2014/15	220	33	88
2015/16	250	73	137
2016/17	275	77	162
2017/18 Q1	54	29	42

The Financial Penalties Option

30. The number of prosecutions and formal cautions issued as a result of enforcement action in the HMO sector has increased steadily since citywide licensing was adopted. Where appropriate Financial Penalties are now being considered as an alternative to prosecutions and it is anticipated that from now on prosecution will be reserved for the very serious cases. Financial Penalties will completely replace formal cautions as an enforcement option.

31. Using the figures in the table below it is estimated that there will be approximately 25 cases per year that will result in a Financial Penalty being issued.



32. It is difficult to estimate the average amount levied for a Financial Penalty as each case is based on its merits. There is an appeal mechanism available to the First Tier Tribunal and as yet there are no examples of how appeals are being dealt with by the Tribunal, so it is not possible to say whether the levels of Financial Penalties issued by local authorities will be upheld or reduced on appeal. It is

Appendix 1

anticipated that a significant number of Financial Penalties will be appealed because the cost of an appeal is low and costs are rarely awarded against appellants. In addition a Financial Penalty is a civil debt and so recovering the fine is unlikely to be a straightforward process.

33. With all these uncertainties an estimate of an average of £5k per Financial Penalty has been made which provides an estimated annual fine level of £125k.

34. It is proposed that a ring fenced account is set up for all Financial Penalty revenue as per the government's requirement for fines to be spent on PRS enforcement and that this is used to fund additional resource on a fixed term basis for PRS enforcement. The level of resource to be funded each year would be agreed with Finance (including contributions to central overheads) and any money in excess of the agreed level could be used to fund additional resources for elsewhere in the service or to secure longer term employment for existing staff.

35. It is anticipated that over the period of the first 5 years after the introduction of Financial Penalties there may be a change in behaviour in landlords in the sector and that the number of offences might decline. The impact of significant fines should mean that the poorer landlords will either be driven from or exit the market or they will accept that better standards are required and make arrangements to improve the management of their properties.

36. The full cost of a Grade 7 Environmental Health Officer, including on costs is £45k-£46.5k. It should therefore be possible to recruit 2 FTE on a 12 month contract and utilise the additional resource to carry out proactive citywide inspections of non-HMO PRS properties. As these officers would not be involved in the reactive workloads and non-PRS work of the service they would be able to focus on the tasks of inspection and enforcement. It is estimated that each FTE will be able to carry out 180 proactive inspections per year.

Additional Resource from DCLG funding & reviewing priorities

37. The Service has very recently been advised that it has been successful in bidding for £275k from the DCLG which will provide 3 additional staff for 2 years to reinvigorate the work on Unlawful Developments (Beds in Sheds) in the City. This work is proactive in nature and is closely linked to the PRS intervention programme as unlawful developments are often connected with rented properties so it is highly likely that there will be sufficient crossover in work stream opportunities to use this resource to increase the overall number of proactive inspections.

38. A review of the existing priorities in the Private Sector Safety Team with a greater focus on work in the PRS will allow for an uplift in the annual target of proactive inspections:

	Proactive inspections
Current resource	290
Funded by Financial Penalties	360
Unlawful Developments	50
Total per annum	700

Proposed Targets

39. Whilst the BRE estimate is that 15% of the properties in Oxford contain category 1 hazards and 13% are in disrepair, the findings so far from the proactive inspection programme over the last 2 years is that the average is actually 28%.

40. Using the 2011 Census data the number of inspections required can be calculated:

Census estimate	12,305
Proactive inspections already completed 2014-17	745
Remaining estimate	11,560
Estimated number with category 1 hazards (28%)	3,236

41. As the DCLG funding will end after 2 years the proposed inspection scheme profile (subject to funding from Financial Penalties) is given below:

2017/18	2018/19	2019/20	2020/21	2021/22	Total
700	700	650	650	650	3,300

42. The address of every property that contains a category 1 hazard is not known so the programme will require significant targeting as it can only be estimated whether a property actually contains category 1 hazards. There will also have to be work carried out to identify properties that are in the non-HMO PRS as this information is not readily available. The Investigation Support Officer funded by the successful DCLG bid will be able to assist in this data exercise as they will be identifying properties for investigation as possible unlawful developments.

Conclusion

43. The option that will provide the most effective and flexible equitable approach is the adoption of a proactive inspection programme using the funding from civil penalties.

44. In particular it will:

- Build on and use intelligence from existing work and related licensing activities
- Mitigate the concern about a citywide or large scale scheme which is no longer an option with Selective licensing
- Provide regulatory coverage in areas of high concern that would not be covered by Selective Licensing
- Prevent problem landlords defaulting into areas where licensing is not in force
- Not create areas where the better landlords perceive that they are being unfairly targeted

Oxford City Council Protocol on Civil Penalties under the Housing and Planning Act 2016

Introduction

1. The power to impose a Civil Penalty as an alternative to prosecution for these offences was introduced by section 126 and Schedule 9 of the Housing and Planning Act 2016.
2. In determining the Civil Penalty amount, the Local Housing Authority will have regard to the statutory guidance issued under schedule 9 of the Housing and Planning Act 2016 and also to the DCLG developed Civil Penalty Matrix.
3. The approach to issuing a Civil Penalty is fundamentally made up of two stages, firstly determining the appropriate sanction and secondly (if appropriate) the level of Civil Penalty charged.
4. When determining the appropriate sanction the Council should satisfy itself that if the case were to be prosecuted there would be a 'realistic prospect of a conviction'. This is currently determined by consulting the Crown Prosecution Service "Code for Crown Prosecutors" which provides two tests: (i) the evidential test and (ii) the public interest test.
5. Oxford City Council currently consults this code when determining whether to seek a prosecution for offences committed and will continue to do so on a case by case basis in line with this procedure and its enforcement policy.

Background

6. Civil Penalties were introduced by the Housing and Planning Act 2016 under Section 126 and Schedule 9 of that Act. The powers enable Local Authorities to impose Civil Penalties of up to £30,000 in respect of the following offences:
 - a) Failure to Comply with an Improvement Notice under Section 30 of the Housing Act 2004;
 - b) Offences relating to Licensing of HMOs under Section 72 of the Housing Act 2004;
 - i. Section 72 (1) being in control or managing an HMO which is required to be licensed but is not so licensed;
 - ii. Section 72 (2) being in control or managing an HMO which is licensed but knowingly permitting occupation over and above the number authorised by the licence;
 - iii. Section 72 (3) being a licence holder who fails to comply with any condition of a licence.
 - c) Offences in relation to Licensing of Houses under Part 3 of the Act (Selective Licensing);
 - i. Section 95 (1) being in control or managing a house which is required to be licensed but is not so licensed;
 - ii. Section 95 (2) being a licence holder who fails to comply with any condition of a licence.

- d) Offences of contravention of an overcrowding notice under Section 139 of the Housing Act 2004;
- e) Failure to comply with management regulations in respect of HMOs under Section 234 of the Housing Act 2004.

7. Statutory guidance has been issued by the Secretary of State under Schedule 9 (12) of the Housing and Planning Act 2016 and Local Authorities must have regard to this when exercising its functions in respect of civil penalties.

8. The maximum penalty that can be set is £30,000. A minimum penalty level has not been set and the appropriate amount of penalty is to be determined by the Local Housing Authority. Only one penalty can be imposed in respect of the same offence.

Decision making

9. Ultimately, it is for the Local Authority to decide which option it wishes to pursue but as a general principle, local authorities should normally prosecute where an offence is particularly serious or where the offender has committed similar offences in the past.

10. Prosecution in serious cases demonstrates that the Local Authority will not hesitate to take formal action where needed and is likely to act as a strong deterrent both to the offender and other rogue landlords. A prosecution also enables the Local Authority to apply for a banning order following a successful conviction.

11. Oxford City Council has an enforcement matrix which is used to determine the most appropriate course of action in enforcement cases. The principle of the enforcement matrix is to provide a score based on a number of factors, both negative and positive. Bands are provided to reflect the score produced and the appropriate courses of action for dealing with the identified situation.

Bands	Score	Recommended Action
1	Plus to minus 10	Charge higher licence fee Advisory letters Invitation to Landlord events Charge confidence in management renewal fee
2	Minus 11 to minus 30	Revoke accreditation Informal letter Charge confidence in management renewal fee
3	Minus 31 to minus 40	Commence investigation Serve Section 16 and 235 notices Revoke accreditation Consider revoking licence Formal action
4	Greater than minus 41	Formal action

12. The enforcement matrix provides guidance to officers carrying out investigations and ensures that enforcement is being carried out in a fair, proportionate and consistent way.

Factors in determining penalty levels

13. Clearly, a single level penalty will not be appropriate in all cases and when assessing the level of penalty to be imposed it is expected that the maximum amount would be reserved for the worst offenders. The actual amount levied should reflect the severity of the case and local authorities should have regard to the following.

- a) The seriousness of the offence
 - i. The more serious the offence, the more likely it is that prosecution will be the more appropriate course of action
- b) Culpability of the landlord – Factors to take into account when determining the culpability include where the offender –
 - i. Has the **intention** to cause harm, the highest culpability where an offence is planned.
 - ii. Is **reckless** as to whether harm is caused, i.e. the offender appreciates at least some harm would be caused but proceeds giving no thought to the consequences, even though the extent of the risk would be obvious to most people.
 - iii. Has **knowledge** of the specific risks entailed by his actions even though he does not intend to cause the harm that results.
 - iv. Is **negligent in their actions**.

Examples of Culpability

High (Deliberate Act)	Intentional breach by landlord or property agent or flagrant disregard for the law, i.e. failure to comply with a correctly served improvement notice
High (Reckless Act)	Actual foresight of, or wilful blindness to, risk of offending but risks nevertheless taken by the landlord or property agent; for example, failure to comply with HMO Management Regulations
Medium (Negligent Act)	Failure of the landlord or property agent to take reasonable care to put in place and enforce proper systems for avoiding commission of the offence; for example, part compliance with a schedule of works, but failure to fully complete all schedule items within notice timescale.
Low (Low or no culpability)	Offence committed with little or no fault on the part of the landlord or property agent; for example, obstruction by tenant to allow contractor access, damage caused by tenants

- c) Harm or potential for harm

In determining the level of harm the Local Housing Authority will have regard to:

- i. The person: i.e. physical injury, damage to health, psychological distress
- ii. To the community; i.e. economic loss, harm to public health

- iii. Other types of harm; i.e. public concern/feeling over the impact of poor housing condition on the local neighbourhood

The nature of the harm will depend on the personal characteristics and circumstances of the victim, e.g. tenant.

Where no actual harm has resulted from the offence, the Local Housing Authority will consider the relative danger that persons have been exposed to as a result of the offender's conduct, the likelihood of harm occurring and the gravity of harm that could have resulted.

Factors that indicate a higher degree of harm include:

- Multiple victims
- Especially serious or psychological effect on the victim
- Victim is particularly vulnerable

Examples of Harm Categories

High	Defect(s) giving rise to the offence poses a serious and substantial risk of harm to the occupants and/or visitors; for example, danger of electrocution, carbon monoxide poisoning or serious fire safety risk.
Medium	Defect(s) giving rise to the offence poses a serious risk of harm to the occupants and/or visitors; for example, falls between levels, excess cold, asbestos exposure.
Low	Defect(s) giving rise to the offence poses a risk of harm to the occupants and/or visitors; for example, localised damp and mould, entry by intruders.

- d) Punishment of the offender
- i. A Civil Penalty should not be regarded as an easy or lesser option compared to prosecution.
 - ii. The penalty should be proportionate and reflect the severity of the offence.
 - iii. The penalty should be set high enough to help ensure that it has a real economic impact on the offender and demonstrate the consequences of not complying with their responsibilities.
- e) Deter the offender from repeating the offence
- i. The ultimate goal is to prevent further offending and help ensure the landlord fully complies with all their legal responsibilities in future.
 - ii. The level of penalty should be set at a high enough level to deter repeat offending.
- f) Deter others from committing similar offences
- i. Important part of deterrence is the realisation that the Council is proactive in levying Civil Penalties where the need exists and that the level of Civil Penalty will be set high enough to punish the offender and deter repeat offending.
- g) Remove any financial benefit the offender may have obtained as a result of committing the offence.

- i. Ensure that the offender does not benefit as a result of committing an offence i.e. it should not be cheaper to offend than to ensure a property is well maintained and managed.

Determining the amount of Civil Penalty

14. The Council has developed a spreadsheet for assessing the level of Civil Penalty that should be charged when offences have been committed and highlighted through the enforcement matrix as appropriate for a Civil Penalty.

15. The idea of the spreadsheet is that it takes into account all elements set out in guidance provided by DCLG and the approach the Council adopts through its enforcement policy and procedures.

16. The table below sets out the interrelation between harm and culpability as a determinant of the Civil Penalty banding.

Low Culpability/High Harm Band 4	Medium Culpability/High Harm Band 5	High Culpability/High Harm Band 6
Low Culpability/Medium Harm Band 3	Medium Culpability/Medium Harm Band 4	High Culpability/Medium Harm Band 5
Low Culpability/Low Harm Band 1	Medium Culpability/Low Harm Band 2	High Culpability/Low Harm Band 3

17. The assumed starting point (ASP) in each band will be the mid-point, i.e. for Band 3 the mid-point will be £12,500.

Band 1 = £0 to £4,999 Assumed Starting Point of £2,500	Low Culpability/Low Harm
Band 2 = £5,000 to £9,999 Assumed Starting Point of £7,500	Medium Culpability/Low Harm
Band 3 = £10,000 to £14,999 Assumed Starting Point of £12,500	Low Culpability/Medium Harm OR High Culpability/Low Harm
Band 4 = £15,000 to £19,999 Assumed Starting Point of £17,500	Low Culpability/High Harm OR Medium Culpability/Medium Harm
Band 5 = £20,000 to £24,999 Assumed Starting Point of £22,500	Medium Culpability/High Harm OR High Culpability/Medium Harm
Band 6 = £25,000 to £30,000 Assumed Starting Point of £27,500	High Culpability/High Harm

18. This approach ensures that the assessment of the level of Civil Penalty reflects the factors to be considered in the statutory guidance provided by the Secretary of State and takes into account the requirement to determine the appropriate sanction by using the score produced by the enforcement matrix as a guiding principle.

Aggravating Factors

19. The penalty may be increased by £1,000 for each aggravating factor up to a maximum of the top of the band level determined above.

20. In order to determine the final penalty the Council will consider any aggravating factors relevant to the case.

21. Below is a list which will be considered as part of the determination. This is not an exhaustive list and other factors may be considered depending on the circumstances of each case.

- Previous convictions having regard to the offence to which applies and time elapsed since the offence
- Motivated by financial gain
- Obstruction of the investigation
- Deliberate concealment of the activity/evidence
- Number of items of non-compliance – greater the number the greater the potential aggravating factor
- Record of non-compliance
- Record of letting substandard accommodation
- Record of poor management/ inadequate management provision
- Lack of a tenancy agreement/rent paid in cash
- Already a member of an accreditation scheme or letting standard – so should know better

Mitigating Factors

22. The penalty may be decreased by £1,000 for each mitigating factor to a minimum of the bottom of the band level determined above.

23. In order to determine the final penalty the Council will consider any mitigating factors relevant to the case.

24. Below is a list which will be considered as part of the determination. This is not an exhaustive list and other factors may be considered depending on the circumstances of each case.

- Co-operation with the investigation
- Voluntary steps taken to address issues e.g. submits a licence application
- Willingness to undertake training
- Willingness to Oxford City Council's landlord accreditation scheme
- Evidence of health reasons preventing reasonable compliance – mental health, unforeseen health issues, emergency health concerns
- No previous convictions
- Vulnerable individual(s) where there vulnerability is linked to the commission of the offence.
- Good character and/or exemplary conduct

25. When considering aggravating and mitigating factors the Civil Penalty imposed must remain proportionate to the offence.

26. Reference will be made to Magistrates Court Sentencing Council guidelines when considering relevant aggravating and mitigating factors.

27. An offender will be assumed to be able to pay a penalty up to the maximum amount unless they can demonstrate otherwise.

Civil Penalties – Multiple Offences

28. Where the Local Housing Authority are satisfied that more than one offence is being committed concurrently in respect of a single property, they may issue multiple Civil Penalty notices, (for example, where there are multiple breaches of the HMO Management Regulations).

29. However, where satisfied on the merits of the case and/or where the authority consider that issuing multiple penalties at the same time would result in an excessive cumulative penalty, nothing in this policy shall require the authority to do that. The authority may take action in respect of one or some of the offences and warn the offender that future action in respect of the remaining offences will be taken if they continue.

Maximum Levels

30. Oxford City Council takes the enforcement of housing conditions in the Private Rented Sector extremely seriously and proactively pursues enforcement action where it is considered to be necessary and appropriate.

31. There may be circumstances when the Council is dealing with offences that it considers will warrant a maximum penalty.

Recording of the decision

32. A record of each decision and the reasons for the financial penalty will be made and how the amount of the penalty was obtained and the reasons for imposing it.

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Initial Equalities Impact Assessment screening form

1. Within the aims and objectives of the policy or strategy which group (s) of people has been identified as being potentially disadvantaged by your proposals? What are the equality impacts?

None of the groups will be disadvantaged.

The private rented sector is increasingly being used by households with children and these will be directly affected by improved property standards. The main age group living in the PRS is 20 - 35 years but this is increasing as families spend longer in rented accommodation before accessing other tenures.

The representation of households with a disability in the PRS is no more than that for the total population but the effect of improved property standards will be positive for these households.

There is no evidence that the representation of transgender of households in the PRS is no more than that for the total population but the effect of improved property standards will be positive for these households.

There will probably be a significant number of expectant mothers living in the PRS and the effect of improved property standards for these households is positive.

As the PRS is the only accessible housing tenure for new communities to Oxford, various ethnic groups will be disproportionately represented and improved property standards will have a positive effect for these households.

As the PRS is the only accessible housing tenure for new communities to Oxford, and the tenure provides housing for such a large population different faith groups will be well represented and improved property standards will have a positive effect for these households.

There is no evidence that the representation of gay and/or bisexual households in the PRS is no more than that for the total population but the effect of improved property standards will be positive for these households.

There is no indication that one gender is a particular represented across the PRS.

2. In brief, what changes are you planning to make to your current or proposed new or changed policy, strategy, procedure, project or service to minimise or eliminate the adverse equality impacts?

Please provide further details of the proposed actions, timetable for making the changes and the person(s) responsible for making the changes on the resultant action plan

No adverse impacts were identified. Only positive impacts.

3. Please provide details of whom you will consult on the proposed changes and if you do not plan to consult, please provide the rationale behind that decision.

Please note that you are required to involve disabled people in decisions that impact on them

The Private Sector Housing Policy was consulted upon in 2016 and 90% of respondents strongly agreed that there should be increased regulation of the PRS. Whilst formal consultation will not be necessary as the proposed course of action is not a change of policy, there will be guidance and advice published and we will work pro-actively with landlords and tenants on the roll-out and implementation of civil penalties.

4. Can the adverse impacts you identified during the initial screening be justified without making any adjustments to the existing or new policy, strategy, procedure, project or service?

Please set out the basis on which you justify making no adjustments

No adverse impacts were identified. Only positive impacts.

5. You are legally required to monitor and review the proposed changes after implementation to check they work as planned and to screen for unexpected equality impacts.

Please provide details of how you will monitor/evaluate or review your proposals and when the review will take place

The Policy will create workstreams that will be reported upon annually at a service and corporate level.

Lead officer responsible for signing off the EqIA: Ian Wright

Role: Service Manager

Date: 4/9/17

To: City Executive Board
Date: 16 October 2017
Report of: Head of Planning, Sustainable Development and Regulatory Services
Title of Report: Housing Assistance and Disabled Adaptation Policy

Summary and recommendations	
Purpose of report:	This report seeks approval from members to consult on proposed changes to the Housing Assistance and Disabled Adaptation Policy.
Key decision:	Yes
Executive Board Member:	Councillor Mike Rowley, Board Member for Housing
Corporate Priority:	Meeting housing needs, Strong and active communities, An effective and efficient council.
Policy Framework:	Private Sector Housing Policy 2016-19
Recommendation: That the City Executive Board resolves to:	
1. Approve the draft Housing Assistance and Disabled Adaptation Policy for a city wide consultation.	

Appendices	
Appendix 1	Current - Housing Assistance and Disabled Adaptation Policy 2008
Appendix 2	New - Housing Assistance and Disabled Adaptation Policy 2017
Appendix 3	Risk register
Appendix 4	Equalities Impact Assessment

Introduction and background

1. The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 provides the council with powers to provide financial assistance to improve housing conditions. The Council's current Policy for providing financial assistance for the purpose of improving living conditions was introduced in October 2008. It has regularly been reviewed by senior officers and whilst it is still relevant there have been changes nationally with regard to funding Disabled Facilities Grants (DFG) which need to be incorporated.
2. The Council is duty bound to approve complete applications made under the Housing Grants, Construction and Regeneration Act 1996 for mandatory DFGs. A DFG is a means tested grant with a maximum limit of £30,000 for essential housing adaptations to help disabled people stay in their own homes.
3. The main funding for DFGs now comes from pooled budget arrangements between top tier local authorities and Clinical Commissioning Groups (CCGs) via the Better Care Fund (BCF). The County Council holds the budget and provides DFG funding to each district council. As funding is now received from the BCF, the policy needs to be amended to reflect the BCF's aims of achieving better health and wellbeing outcomes and helping with the prevention agenda.
4. The Council ceased contributing to the DFG programme in 2015/16, but there is £25,000 in the capital budget for discretionary housing assistance for 2017/18. There is a need to review the council's future budget contribution to this fund and that will be considered through the current budget preparation cycle. There is £25,000 capital remaining at the moment.
5. The council has been successful in obtaining external funding which has contributed to the discretionary monies available. This year we have £8k from Gas Safe to help undertake home owner gas safety works and we have £12K from Ebico to undertake energy efficient works for the private rented sector.
6. The policy is delivered by the Council through an in-house Home Improvement Agency (HIA) who are also contracted by the Oxfordshire County Council and Oxfordshire Clinical Commissioning Group to deliver additional services that enable people to remain in their home.

Disabled Facilities Grants and the Better Care Fund

7. The Better Care Fund was announced by the Government in the June 2013 spending round as part of the transformation in integrated health and social care. Nationally, in 2016-17, the Better Care Fund was increased to £3.9 billion to be deployed locally on health and social care through pooled budget arrangements between local authorities and Clinical Commissioning Groups (CCGs). Part of the fund is the £394 million allocation for the Disabled Facilities Grant, which is paid directly from the Government to upper tier local authorities. The Better Care Fund (BCF) brings together money from a number of health and social care budgets in order to find better ways of delivering health and care services, and make a person's health pathway easier to navigate. It is a crucial part of delivering the aims of the Care Act 2014, especially on the prevention agenda and reducing hospital discharge delays.

8. Hospital discharge is one of the key strategic objectives of most Clinical Commissioning Groups, especially in Oxfordshire. Delayed discharge is not only expensive, but also potentially dangerous, leaving vulnerable people more exposed to hospital acquired infection. But rapid discharge is only half the story, as it is now also clear that many vulnerable people are discharged into unsafe home environments which exacerbate their frailties and lead to large numbers of re-admissions to hospital. The revisions in the policy aim to help with some of these issues.
9. The national mandatory grant programme has been considerably expanded from £220m in 2015/16 to £431m in 2017/18. Oxford City Council's DFG Budget allocation from the government has increased from £501,000 in 15/16 to £1,062,545 in 17/18. An increasing number of authorities are updating their policies to include more innovative ways of spending the Disabled Facility Grants (DFG) monies.
10. The proposed amendments to our Housing Assistance and Disabled Adaptations Policy reflect the aims of the BCF especially around a more joined up approach to supporting hospital discharges and an increase in preventative work reducing admission to hospitals. The changes proposed are based on our extensive experience of operating the current scheme, feedback from clients and an analysis of barriers to take up. They are supported by our partners at the CCG and Adult Social Care.
11. The main changes are to:
 - Create a new discretionary Adapted Homes Grant with a maximum value of £5,000 that is available for DFG applicants with no means test. This is to help people who cannot afford to contribute towards the DFG.
 - Increase the maximum amount for a Discretionary Disabled Facilities Grant to £10,000. This is to help the people on low incomes where the costs exceed the £30K grant maximum.
 - Introduce a new discretionary Safe and Secure Grant up to a maximum of £1,000 to reduce falls to vulnerable people and assist with hospital discharge.
12. All these new initiatives will be funded using BCF money.
13. Wherever possible Oxford Direct Services will be used to carry out the works required and a work programme agreed to deliver the outcomes.

Needs Analysis for the proposed changes

14. The demand for adaptations to keep people in their own homes is increasing. Disability-free life expectancy and healthy life expectancy have been rising more slowly than overall life expectancy, meaning that more people are likely to be living into older age with long term conditions. Disabilities and long term conditions become more prevalent with older age, and are likely to affect more than 44,500 older people in Oxfordshire. The number of older people in Oxfordshire is expected to grow at twice the rate of the population as a whole. Common conditions likely to affect more than a fifth of older people include hearing loss, high blood pressure, arthritis, and respiratory illness.

15. The mandatory DFG is a means tested grant and every year there are applicants referred by the County Council Occupational Therapists who are required to make a contribution towards the adaptations needed to their home.
16. Many of these applicants, particularly the elderly, go onto choose not to contribute towards the cost of the works and withdraw their application. This is mainly because they are they have limited savings or are reluctant to reduce their savings, with the consequential impact on income, to fund the works.

This means that their quality of life is not improved and the failure to install necessary adaptations can put them at potential future risk of injuries and worsening health. Since April this year we have had 6 DFG applications withdrawn as the applicant could not afford their contribution.
17. The maximum statutory DFG in England is £30,000. We have on average 8 or 9 cases per year which exceed or are likely to exceed the £30,000 grant maximum. These cases are often complicated because of the applicant's particular circumstances and involve the construction of major works such as an extension. Currently the Council offers up to £5,000 for a Discretionary DFG and it is proposed to increase this to £10,000 to allow for increased building costs and the number of cases coming forward that need a greater degree of intervention to keep people safe at home .
18. Falls and fall-related injuries are a common and serious problem for older people. People aged 65 and older have the highest risk of falling, with 30% of people older than 65 and 50% of people older than 80 falling at least once a year.
19. The human cost of falling includes distress, pain, injury, loss of confidence, loss of independence and mortality. Falling also affects the family members and carers of people who fall.
20. In 2014/15 there were over 2,800 emergency admissions for injuries due to falls among older people in Oxfordshire. Over 700 involved hip fractures. Oxfordshire had the highest rate of injuries due to falls in the 65+ age group compared to its peers in 2014/15 and the second highest in 2015/16. Oxfordshire also had the highest rate of injuries due to falls in the 80+ age group compared to its peers in 2014/15 and the second highest in 2015/16.
21. Falls are estimated to cost the NHS more than £2.3 billion per year. With the number of people aged 65 and over predicted to increase by 2 million by 2021, costs are set to rise further. Oxfordshire had a high spend on injuries to the wrist and hand of 65+ nationally in 2014/15. Therefore falling has an impact on quality of life, health and healthcare costs.
22. In addition to hospital cost, a unique Torbay study undertaken by the Kings fund showed that
 - a. On average, the cost of hospital, community and social care services for each patient who fell were almost four times as much in the 12 months after admission for a fall as the costs of the admission itself.
 - b. Over the 12 months that followed admission for falls, costs were 70 per cent higher than in the 12 months before the fall.
23. Oxfordshire had fewer than half of patients returning to usual place of residence following a fractured femur in 2014/15 and 2015/16, which is at a low level compared to many CCGs in England.

24. The proposed discretionary Safe and Secure Grant reflects these increasing needs and contributes to the BCF aims of reducing hospital admissions and speeding up hospital discharge.

Discretionary Housing Assistance

25. There are no changes proposed to the existing discretionary forms of housing assistance as these remain fit for purpose.
26. Since 2008 the Council has been a member of a consortium of 17 local authorities that created a not-for-profit company called Flexible Home Improvement Loans Ltd. The company now offers a loan designed to get empty homes back into use and this has been added to the policy. The empty homes loan is a 5 year, flexible, bridging finance secured by a first charge on the property. The loan, plus outstanding interest, must be repaid on the fifth anniversary of making the loan, or if the property is sold, whichever occurs first.

Consultation and communications

27. It is proposed that the Housing Assistance and Disabled Adaptation Policy goes out for consultation Tuesday 17th October. The results will be used to report back to Members at City Executive Board on Tuesday 23 January 2018, with recommendations for approval.

Financial implications

28. The Council is duty bound to approve complete mandatory Disabled Facilities Grants (DFG) applications. The Council has not had to contribute towards the DFG budget since 2015 as all the funding for DFG now comes from the BCF. The expectation is that the increased funding will be used in innovative ways to meet the aims of the BCF to reduce costs especially around hospital admissions and delayed discharge. The primary reason for updating the policy is to enable the council to fully spend and commit its funding allocation under the BCF. The CEB will be informed so we can plan how to meet our mandatory DFG duty in the future.
29. No additional staff will be required to deliver the proposed changes as the costs of management and administration of the grants are covered by the fund.
30. The future budget for discretionary housing assistance has yet to be decided and will form part of the 2018/19 budget process.

Legal issues

31. No legal issues have been identified.

Level of risk

A risk register is attached as Appendix 3.

Equality Impact Assessment

An EIA has been completed and attached as Appendix 4

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Background Papers:

- 1 http://insight.oxfordshire.gov.uk/cms/system/files/documents/20160329_Needs%20Analysis%20for%20Older%20People%20in%20Oxfordshire_FINAL.pdf
- 2 <http://wwwFOUNDATIONS.UK.com/media/4718/preparing-a-policy-under-the-regulatory-reform-order-formatted.pdf>
- 3 https://www.kingsfund.org.uk/sites/default/files/field/field_publication_file/exploring-system-wide-costs-of-falls-in-torbay-kingsfund-aug13.pdf
- 4 <https://www.rcn.org.uk/-/media/royal-college-of-nursing/documents/publications/2007/november/pub-002771.pdf>
- 5 <https://www.england.nhs.uk/wp-content/uploads/2017/08/bcf-planning-requirements-faqs.pdf>

Policy for the provision of assistance for the purpose of improving living conditions

The Regulatory Reform (Housing Assistance)
(England and Wales) Order 2002

Revised October 2008

OXFORD CITY COUNCIL

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1. Executive Summary

1.1 This document sets out the policy of Oxford City Council (“the Council”) for the provision of assistance pursuant to the regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (“the Order”). The Order provides local housing authorities with a general permissive power for the provision of assistance for the purpose of improving living conditions. In order to exercise this power a local authority must first adopt a policy for the provision of assistance. The first policy took effect on the 21st July 2003 and was amended on 15th October 2008. It will remain in force until any amendments are approved. However, it is the intention of the Council that the policy will be reviewed annually.

1.2 The policy was revised in October 2008 to take into account the introduction of the Housing Health and Safety Rating System by the Housing Act 2004.

1.3 This policy covers the whole range of services that are proposed to be developed, to enable housing renewal to be delivered across the City, in accordance with the Housing Strategy for Oxford 2005-2008 and the Private Sector Housing Strategy 2007 – 2010.

1.4 The services described in this policy include a range of grants, loans and the delivery of services through schemes such as the Home Improvement Agency. This policy seeks to develop opportunities presented by the powers in the Order and to retain and develop existing arrangements. The Council aims to be open-minded and flexible in keeping the policy under review and will respond to new initiatives that offer prospects for improvement.

1.5 An essential element of the policy is to encourage home owners to take responsibility for the maintenance of their homes wherever possible by facilitating loans and giving guidance and advice on repairs. At the same time the Council recognises that for some households loans are not available, or are not the preferred option.

1.6 Where enforcement is the most appropriate course of action the policy makes provision for ‘works in default’ to be carried out in cases where owners can’t or won’t carry out the works themselves. Enforcement action will arise where a dwelling has been assessed as a Category 1 hazard under the provisions of section 58 of the Housing Act 2004. Action against Category 2 hazards will also be considered if appropriate

1.7 Conditions attached to financial assistance will require repayment of monies (over £500) if a property is sold within 10 years of completion of the works, thereby recycling the capital funding involved.

1.8 Owner-occupiers' individual circumstances vary considerably. These services are targeted at and prioritised to helping the most vulnerable individuals and to deal with the homes most in need of repair and improvement.

1.9 Some assistance is available to all households although this generally consists of advice on energy efficiency, general advice on repairs and maintenance and the selection of contractors etc.

1.10 Applicants who have their own resources are able to use the Council's Flexible Home Improvement Loans scheme.

1.11 Financial assistance is strictly limited to those being in receipt of a means-tested benefit, or are subject to the prescribed test of financial resources which measures applicants ability to contribute to the cost of any approved scheme of works.

1.12 The services contained in the policy are aimed at a range of circumstances including taking action to:-

- ensure that homes meet the minimum health and safety standards wherever possible
- to meet or exceed the Government target that by 2010, 70% of vulnerable households in the private sector should live in homes achieving the Decent Homes Standard; higher standards will be aimed for whenever it is pragmatic and cost effective to do so;
- ensure that disabled elderly and other vulnerable people are assisted to remain in their own homes.
- ensure that fuel poverty, health and environmental issues are pro-actively addressed,
- ensure that occupiers feel safe in their homes by addressing neglected properties or those in poor repair, and
- by providing a range of services to meet local needs.

2. Background and Regional Position:

2.1 The Regulatory Reform (Housing Assistance) Order ("the Order") came into force on the 18th July 2002 and repeals much of the existing legislation governing the provision of grants to home owners and landlords from 18th July 2003. The only surviving element of the previous housing grant system that remains is the mandatory Disabled Facilities Grant (DFG).

2.2 The Order provides local authorities with the flexibility to devise a local strategy to deal with poor conditions in private sector housing and to work in partnership with other organisations to bring about improved conditions. The Order allows authorities to provide 'assistance' in the form of grants, loans or work/materials. Loans may be provided directly or through an intermediary.

2.3 Local Authorities are obliged to formulate and publish a Housing Renewal Policy if they wish to use the general powers after 18th July 2003.

2.4 The Order allows the Oxford City Council (“the Council”) to decide which mix of funding options it will provide. A comprehensive policy should include:

- (a) retention of grants;
- (b) provision of assistance through third parties;
- (c) options for the use of private funding;
- (d) the utilisation of grants and funds from other sources; and
- (e) The potential for local authority loans where private funding is not appropriate or available.

Regional Housing Statement for Oxfordshire:

2.5 Oxfordshire is an area that is generally affluent with high levels of employment. Those Authorities surrounding Oxford have within them a number of historic market towns and many villages. The attractive countryside within this prosperous area makes it an area with high levels of demand for housing. This translates into high house prices, which are above the national average and also results in higher development costs. Although the area is generally prosperous and affluent there are pockets, particularly at the sub - ward level, of deprivation and potential social exclusion.

2.6 Poor quality housing is known to have an adverse impact on the health and well being of its occupants. The primary responsibility to keep a property in good repair rests with the owner. However, some homeowners, particularly the elderly and those on low income, may not have the necessary resources to spend on their homes. In these cases it is the responsibility of the Local Housing Authority to consider how best it can use its resources to assist those in need of assistance.

2.7 The Regional Housing Strategy 2004-05/2005-6 notes that the general level of unfitness and disrepair across the region is lower than the national average (paragraph 3.5.5). There are however significant concentrations of poor quality housing, mainly older properties, in some deprived urban areas. The Oxford City Council Private Sector Stock Condition Survey 2005 estimated that 4.9% of the City’s private sector stock is unfit, compared to 4.2% nationally and 2.8% in the South East of England. There are few concentrated areas of unfit housing, however there are individual unfit dwellings dispersed throughout the housing stock.

2.8 Unfitness and serious disrepair is a significant issue in the private rented sector particularly where tenants are in receipt of income related benefit. In Oxfordshire, with the exception of Oxford there are not significant numbers of known houses in multiple occupation (HMOs).

2.9 The Oxford City Stock Condition Survey of 2005 assessed the impact of the application of the Housing Health and Safety Rating System introduced by the 2004 Act, as well as looking at unfitness under section 604 of the Housing Act 1985. This method of assessing the condition of dwellings takes into account the hazards of a dwelling in relation to a person using it, and looks at more than the physical condition of the home. The 2004 survey found that 7.2% of dwellings fail on this standard, above the estimated level of unfitness or the City. The main hazards identified relate to excessive cold and falls on stairs. The report states that private rented and older dwellings are most likely to be hazardous.

2.10 Although fuel poverty throughout Oxfordshire is generally lower than the national average, in Oxford the incidence of fuel poverty is above the national average. There are also concentrations of fuel poverty in Banbury and the south west of West Oxfordshire. Fuel poverty is defined as occurring where a household spends more than 10% of its income on heating the home. Energy efficiency measures can help reduce the amount spent on heating. The Home Energy Conservation Act 1995 (HECA) requires a 30% improvement in energy efficiency in the period 1995 – 2010. The 2005 stock condition survey has shown progress towards meeting this target with an average SAP rating of 51 in private sector dwellings compared to 42 in 1995.

2.11 The 2005 stock condition survey estimated that 65.9% of the City's stock was owner-occupied and 8.1% rented from an RSL. In addition the Indices of Deprivation produced in 2000 show that in terms of housing deprivation (measured in terms of overcrowding, poor private sector housing and homelessness) the City has all but three of its then wards in the worst quarter, and ten wards in the worst ten per cent, in England.

2.12 Each local Housing Authority in Oxfordshire has a Home Improvement Agency (HIA) that provides a variety of housing related services for elderly and vulnerable homeowners. The HIA's core services include the commission and supervision of adaptation schemes for disabled clients and small repair schemes.

2.13 The Oxfordshire local housing authorities have for many years actively worked in close partnership on private sector housing, meeting regularly to promote cross authority working practice. The preparation of each of the Districts Councils Housing Renewal Policies has been achieved through discussion and a willingness to share ideas and policy options.

3 Sources of Information:

3.1 The primary sources of information available are:

- a) The Oxford House Condition Survey 2005.
- b) The Oxford Housing Needs Study 2004.
- c) The Home Energy Conservation Act 1995 annual return and home energy survey data collected continuously for this return.

d) The home improvement grant registers and relevant supplementary data for the Council from 1997 to date.

e) Relevant national and regional data. For example take-up of grants from “Warmfront” or regional data based on census information and the English House Condition Survey.

4. Strategic Aims and Key Priorities:

4.1 The Council’s Housing Strategy 2005 – 2008 (currently under review) recognised the importance of improving the condition of housing in Oxford because of:

- The size of the private rented sector
- The number of vulnerable people living in poor housing
- To meet the Decent Homes Standards

The following objectives were set out in the strategy:

- Where the need arises, using enforcement powers against landlords who do not take up opportunities to improve their properties
- Work towards the HECA target and report annually on progress
- Assess the range and quality of our work on sustainable energy and fuel poverty and use this to develop an affordable warmth strategy
- Develop support and advice mechanisms for landlords through regular meetings of the Landlords’ Forum
- Carry out inspections to ensure that standards are maintained in properties leased by the Council for use as temporary accommodation
- Develop East Oxford Housing Improvement Partnership to improve conditions in private sector tenancies

These objectives are now located within a separate Private Sector Housing Strategy which has a clear action plan

4.2 Links to other strategies:

This policy is also linked to other Council policies including

- Older Peoples Housing Strategy 2006-9. This strategy has six areas of improvement including improving the quality of housing, improving information and advice and providing services for people with diverse needs.
- Black and Minority Ethnic Housing Strategy 2006-9. This recommends action covering three areas including ensuring equality of opportunity to access housing and other services.

- Oxford's Community Strategy 2004. This strategy reflects three of the five themes of the Community Strategy – safer communities, a better living environment, and active and healthy communities.
- Community Safety Strategy for Oxford 2005–08. The Oxford Safer Communities Partnership has published its Safer Community Strategy. This includes household security policies to help reduce the incidence of domestic burglaries.
- Asset Management Plan and Capital Strategy. The planned capital expenditure for private sector housing renewal to 2010 is itemised within the Councils' Capital Strategy.
- Home Energy Conservation Act Strategy. There is an annual reporting mechanism to the Government Office for the South East to measure progress made in energy efficiency measures against the government targets.
- Oxfordshire's Supporting People Strategy 2004-9. The Council has a strategic aim to help people remain in their own home and to live as independently as possible.
- Social Inclusion Strategy 2006. There is an objective to provide affordable housing and affordable warmth and an Older Peoples Social Inclusion report was carried out in 2007.

4.3 The South East Regional Housing statement 2008-2011

The South East Regional Assembly published a new Regional Housing Strategy 2008–11, to replace the earlier 2006 strategy. The Regional Housing Board has concluded that the priorities identified in the earlier strategy remain valid and these are:

- Build more affordable homes
- Bring decent housing within reach of people on lower incomes
- Improve the quality of new housing and of existing stock

4.4 The Regional Housing Board are of the view that the public purse should not bear the full cost of improving the standard of private homes and they are committed to supporting the development of loans/equity release products. Regional funding for 2008–11 is focussed on tackling poor conditions, especially improving energy efficiency and heating systems which are the most common reason for failure to meet the decent homes standard.

5. Capital Resources

5.1 For the year 2008-9 the Council has provided £990,000 spend in its Capital Programme to provide assistance to private homes. This assistance is mainly paid in the form of grants based on the needs of the occupier, the condition of

the property they live in, their ability to contribute towards the costs of any works, and are subject to other qualifying criteria. The remainder is for “works in default” (see Appendix 2).

It has been recognised that there is always a carry forward commitment from the previous financial year. This is a natural consequence of the time-lag between the giving of an approval for works that are funded through the policy and the completion of the works. There is a mandatory 12 month minimum timescale for completion of work following approval for mandatory DFG’s. The commitment can vary but is typically £200-250,000.

Capital Project	Amount (Spend)
Discretionary Assistance (Essential Repairs Assistance, Energy Efficiency Assistance etc.) and Works in Default	£150,000
Disabled Facilities Grants	£650,000
Total Programme	£800,000

5.3 Capital resources for future years will be allocated as part of the Council’s developing financial strategy and these figures may change.

5.4 Estimated Outputs

It is anticipated that the following projects will be undertaken in the next 12 months:-

- Approximately 120 works of major aids e.g. stair lifts and/or adaptations for disabled persons –average value £5416 each
- Approximately 40 essential repair assistance to remedy immediate risks to health and safety- average value £3000 each
- An estimated 5 “works in default” cases- average value £6000 each
- No figures are projected for the exceptional circumstances cases because there are likely to be very few of these. Any cases should not significantly distort the overall projected expenditure.

6. Summary of Types of Assistance:

6.1 The Council aims to be as helpful to potential applicants for financial assistance as resources will allow. It is happy to give guidance and advice on request. At times of heavy demand it will be obliged to prioritise the workload and it may have to operate waiting lists.

6.2 The Council is duty bound to approve applications made under section 23(1) of the Housing Grants, Construction and Regeneration Act 1996 that satisfy the requirements of that Act (mandatory Disabled Facilities Grants). The Council has discretionary powers under “the Order” to provide assistance in any form for the purpose of improving living conditions.

In brief, assistance will be provided for the following purposes, details of which are provided later in this document:-

- Essential Repairs Assistance – financial assistance for essential repairs and heating/insulation works for owner-occupiers, subject to a test of financial resources.
- Flexible Home Improvement Loans - practical and financial assistance available to owner-occupiers over 60 years old to enable them to take out a loan on attractive terms to finance repairs, improvements or adaptations.
- Small Repairs Scheme - available for those over 70 years of age and for those over 55 in receipt of benefits.
- Property MOT - free for those qualifying for financial assistance.
- Home Energy Survey - free to all occupiers.
- Residential House Boats -measures to meet minimum safety standards under the Boat Safety Scheme - subject to test of financial resources.
- Mobile Homes - essential repairs - subject to a test of financial resources.
- Enforcement - including carrying out works in default.
- Relocation Assistance - financial assistance to move occupiers to a more suitable dwelling in circumstances where either the present accommodation of a disabled person, (who would otherwise be eligible for a mandatory DFG), cannot be adapted or permission to do so is denied by a person whose consent is required to carry out these works.
- Discretionary Disabled Facilities Grants- in exceptional cases.

A Essential Repairs Assistance

Eligibility

Applications will be considered where the applicant(s):

- Is over 18 years of age;
- Has been assessed and found eligible for assistance under the same test of financial resources criteria used for Mandatory Disabled Facilities Grants.
- Occupies the property, within the City of Oxford, as their sole or principal residence in the United Kingdom.
- Has repairing liability in law; and
- Other than in exceptional circumstances, has lived in his/her home for a minimum of three years.

If an applicant meets these criteria, then under any of the following circumstances financial assistance may be available.

- (i) Where a risk to the security of the occupier exists e.g. insecure windows or doors.
- (ii) Where a breakdown of the primary source of heating or hot water has arisen or where it is so defective that a breakdown is inevitable.
- (iii) Where a major defect exists that puts the health and safety of the occupier at an unacceptable level of risk e.g. an unsafe gas or electrical system.
- (iv) Where there is a significant risk to public safety e.g. from an unsafe chimney of loose roof coverings.
- (v) Where internal works that pose an immediate risk to the occupier, their carer or other visitors to the property exist e.g. rotten flooring or a dangerous staircase.
- (vi) Where a major structural element is so defective that significant further damage to the structure of the property or an adjoining property, will arise if remedial action is not taken e.g. a badly leaking roof or leaking gutters or downspouts.
- (vii) Where there is a serious risk to health that is directly attributed to the repairs or adaptations required. In some cases medical evidence of need may be required e.g. from a GP or Hospital Consultant.
- (viii) Where a notice requiring repair would otherwise be served or where a higher level of enforcement action would be necessary e.g. making a Closing Order and re-housing the occupier.
- (ix) Where properties have a low Standard Assessment Procedure Rating (SAP 60 or below), grant assistance to meet the Decent Homes Standards will be available This assistance is subject to alternative funding through Government schemes such as “WarmFront” not being available to the applicant.

Amount of Assistance

A maximum of £5,000, per property, is payable to execute repairs in any three year period where the works fall within the above list.

TARGET STANDARD OF REPAIR

The target standard of repair to be achieved is one which will remedy the defect and which will remove the associated health risks. Renewal of a failed element will take place when this is the most cost effective remedy. For example, a leaking roof may require either repairs or renewal of one or more roof slopes; or the whole roof may need to be stripped and re-laid. If the roof is generally sound and is judged to have at least 10 years further life, it will be repaired. Replacement windows will have to meet the Building Regulation standards and other standards, e.g. in conservation areas or if the property is a Listed Building.

Conditions

- Financial Assistance over £500 is subject to conditions - see also section 7 (Administration)
- Sale or transfer of a property within a 10 year period from the date of completion of any works will result in the money being repayable in full.
- Any financial assistance paid will be based on a specification for works that has been either provided by, or approved by, the Council. Specifications that are not approved by the Council will not be accepted. Quotations based on unapproved specifications will not be acceptable.
- The contract for any works undertaken is between the applicant and the contractor
- In general, at least two quotations are required for works that will cost over £1,000, unless prior agreement has been given by the Council (or its agent), the case is one of emergency, or the work is of a specialist nature not normally carried out by building contractors. All quotations must be itemised (to assist with settlement of any variation in cost or dispute that may subsequently arise), be on proper letter heading and be dated.

B Flexible Home Improvement Loans

Oxford City Council are part of a consortium of 17 local authorities who have been awarded funding from the South East Regional Housing Board for a not-for-profit Flexible Home Improvement Loan Scheme.

Eligibility

To qualify for this type of assistance the applicant must be an owner-occupier aged 60 or over, and living in the City of Oxford. In the case of joint owners, each must be at least 60 years of age.

Eligible works

We will consider improvements that will make the home safer, warmer, healthier or more comfortable for the occupants. Examples of work that may be acceptable include essential repairs and maintenance, central heating or improvements to heating, replacement doors and windows, home security and the installation of level access showers.

Amount of Assistance

The minimum amount of assistance is £1,000 and the maximum is £50,000.

Conditions

Loans are subject to conditions – see also section 7 (Administration)

- The loan will be secured by a charge on the property.
- The interest rate is fixed for the term of the loan and will be set at, or just below, the Bank of England rate.
- During the term of the loan the recipient can choose to make regular monthly payments, occasional payments or no payments at all. The repayment arrangements can be varied at any time by the loan recipient.

- The loan plus outstanding interest must be repaid if the home is sold, or if the owners cease to occupy it.
- Any financial assistance paid will be based on a specification for works that has been either provided by, or approved by, the Council. Specifications that are not approved by the Council will not be accepted. Quotations based on unapproved specifications will not be acceptable.
- The contract for any works undertaken is between the applicant and the contractor
- In general, at least two quotations are required for the works unless prior agreement has been given by the Council (or its agent), or the work is of a specialist nature not normally carried out by building contractors. All quotations must be itemised (to assist with settlement of any variation in cost or dispute that may subsequently arise), be on proper letter heading and be dated.

Fees and charges

- In certain circumstances the Council may need to obtain a valuation of the property to confirm the equity is sufficient to cover the loan. The applicant will be charged for this service.
- There will be a fee of £30 for the loan documentation and legal charge, plus a fee to the land registry, which will be quoted at the time of the application.
- There is an annual charge of £15 to cover the cost of loan administration and statements.
- Any fees incurred by the applicant may be added to the loan.

C Small Repairs Scheme

The Small Repairs Scheme provides a service that allows a range of minor repairs, aids and home safety and security measures to be carried out in qualifying households.

What work can be done?

Work such as repairing broken glazing, fitting door and window locks, installing smoke detectors (including special smoke alarms for the deaf), doing woodwork repairs, fitting handrails and fitting “keysafes” can be carried out. Other work may be possible.

Who can use the scheme?

- Anyone over 70.
- Older vulnerable people (over 55 years of age). Priority will be given to those households and individuals in receipt of income support or other benefits including minimum income guarantee, attendance allowance and in the future pensioner tax credit.
- Homeowners and private tenants (but not for works that are the responsibility of the landlord).
- Residents of Oxford City.

Charging

The costs are based on an hourly charge (this is currently £15 per hour) plus the cost of materials. Costs will vary from job to job and free quotations are given.

D Property MOT

Home owners who are eligible for Essential Repairs Assistance or the Small Repairs Scheme can contact the Council to request a 'Property MOT'. This will take the form of an assessment covering the major elements and identifying both existing and anticipated repairs/replacements and any other significant shortcomings within the dwelling. The 'Property MOT' will help owners to prioritise works; have a better understanding of the condition of their homes and, for those who are able, to investigate loan options. Having a better understanding of the overall condition of their property will allow owners to consider the total cost of any works and evaluate their property and options.

E Home Energy Survey

A free home energy survey is available to all households regardless of income. A free low energy light bulb is given to householders as an incentive to provide data for the survey. The information obtained is used by the Council to upgrade its home energy database and to provide personalised information on energy efficiency upgrades that the householder may wish to consider. The advice includes the type of work required, the likely cost of completing any work and the estimated payback time to recover the costs from energy efficiency savings.

F Residential House Boats

Financial assistance is available to qualifying households (see 6A above) to cover essential repairs required to meet the minimum standards required by British Waterways under the Boat Safety Scheme and appropriate energy efficiency measures.

A maximum of £5,000, in any three year period is payable.

G Mobile Homes

Financial Assistance is available to qualifying households (see 6A above) to cover essential repairs and appropriate energy efficiency measures.

It should be noted that both residential houseboats and mobile homes have a limited life and that an assessment of the anticipated future life of the structure will be undertaken before grant aid is approved. A minimum anticipated future life of 4 years is required. Owners of structures with a shorter anticipated life will receive assistance to carry out temporary or emergency repairs sufficient to enable other housing options to be explored.

A maximum of £5,000 in any three year period is payable.

H Enforcement

Enforcement means the action taken in the exercise of enforcement powers. It is not necessarily about formal legal action but can include surveying properties to check compliance and providing advice to help compliance. Much can be done through building good relations with property owners and the Landlords Forum is a good example of this.

However the Council has clear strategic aims and targets to improve conditions and therefore will take appropriate legal action where informal action has failed. The Council has the following legislative powers:

Housing Act 2004

- Improvement notices
- Prohibition notices
- Emergency Prohibition Orders
- Emergency remedial action notices
- Hazard awareness notices
- Works in default
- Licensing of houses in multiple occupation
- Management Orders
- Management of houses in multiple occupation, overcrowding

Building Act 1984

- Defective drainage
- Ruinous and dilapidated buildings

Local Government (Miscellaneous Provisions) Act 1982

- Securing vacant properties

In the event that the Council carries out works in default a charge will be made on the property to recover the costs. In cases where costs of more than £5,000 have been incurred by the council an enforced sale will also be considered in the event of non-payment.

Full details of how the Council will carry out enforcement powers can be found in the Enforcement Policy

I Financial assistance to enable a disabled person to move (Relocation Assistance)

Eligibility

To qualify for this type of assistance the applicant must be:

- a person who would otherwise qualify for a mandatory Disabled Facilities Grant, under Part 1 of the Housing Grants, Construction and Regeneration Act 1996, were it possible to carry out the works; and
- whose contribution towards the cost of the works would, using the test of resources prescribed by the Government for determining mandatory Disabled Facilities Grants, be less than £4,000; and
- is an owner-occupier whose principal or only residence is within the City of Oxford.

To qualify, the Council must be satisfied that either:

1. it is not practicable to carry out works that would be considered “necessary”, “appropriate” and “reasonable” under section 24 of the Housing Grants, Construction and Regeneration Act 1996, or
2. the works cannot be carried out without the permission of a third party and that permission has not been forthcoming.

The Council will not provide this type of assistance retrospectively. The Council will only consider an application for this type of assistance where it has notified the applicant in writing that one of the two criteria listed above apply.

In exceptional circumstances, the Council will consider providing assistance to enable a private tenant to move to more suitable accommodation.

Eligible Costs

The Council will pay any of the following reasonable costs subject to satisfactory evidence that the expenditure has been incurred:-

1. Stamp duty;
2. Mortgage arrangement fees;
3. Estate agents' fees;
4. Furniture removal costs;
5. Utility connection costs;
6. Conveyancing costs and/or;
7. Any other costs that are deemed by the Council to be essential to effect the move;

This is subject to a maximum total level of assistance of £15,000 per applicant.

Application

An application shall be made in a format prescribed by the Council. Application Forms are available on request.

Conditions

A person who receives relocation assistance shall not be entitled to claim similar assistance for a period of 10 years. However, the provision of this type of assistance does not remove the right of any person to apply for a mandatory Disabled Facilities Grant at any time.

Payment

A single payment will be made to the applicant upon completion of the move and upon receipt of satisfactory copies of any receipts, demands or other evidence of payment.

K Discretionary Disabled Facilities Grants

The Council will consider applications for discretionary Disabled Facilities Grants in exceptional cases. These grants may be applied for either on their own or in addition to a mandatory Disabled Facilities Grant.

These grants will be subject to the prescribed test of resources and will be subject of a maximum of £5,000 per application.

Applications will be considered for:

- Adapting or providing a room for the use of a housebound person with a disability for the purpose of receiving specialised care or medical treatment, which on expert medical or other advice, is best delivered at home.
- The provision of a safe play area for a child, with disabilities, under the age of 10 at the date of application for a grant.
- Other works to provide a solution for vulnerable and disabled applicants needs. Subject to authorisation by a Strategic Director.
- Where applicants have a contribution to make according to the outcome of the prescribed test of resources, they may provide written evidence to the Council, from an Independent Financial Advisor of their inability to raise sufficient funds to cover their own contribution. In these circumstances the City Council will consider approving discretionary grant aid if that is the only option for enabling the agreed works to proceed. The City Council may seek further advice before determining the application.

Assistance is limited to properties within the City of Oxford.

7. Administration

A How to Apply for Assistance

Assistance will be provided through the Councils' Environmental Development Service. Enquiries can be made in person at Ramsay House, by telephone (01865 252887), in writing (Environmental Development, Oxford City Council, Ramsay House, 10 St. Ebbe's Street, Oxford OX1 1PT), by e-mail, environment@oxford.gov.uk or via the Council's Website (www.oxford.gov.uk).

A preliminary enquiry system will allow enquiries to be routed quickly to the most appropriate form of assistance. Enquirers will be advised wherever delays are likely, including the likely length and the reason for a delay.

The preliminary enquiry system will help to ensure that higher risk cases are dealt with first if delays are likely. For low priority cases a waiting list will be kept. The level of risk will be assessed using the Housing Health and Safety Rating System criteria.

The Councils' statutory duties (Disabled Facilities Grant provision and enforcement action) will be carried out directly by the Environmental Development.

B Grant Conditions

All works for which discretionary grants and assistance are awarded must be completed within 6 months, or such longer period of time that has been agreed in writing by the Council. Applicants will not normally be able to reapply for a grant or other assistance within 12 months of the expiry of a previous approval. No retrospective applications will be considered.

All works must be completed in accordance with a specification of works agreed by the council. The agreed works must be carried out to a satisfactory standard of workmanship.

The payment of any form of financial assistance will be subject to bona fide invoices being provided by the approved contractor or in exceptional circumstances, with the approval of the casework officer, an alternative contractor. For example if the original contractor is unable to carry out the works.

The Council may give a qualified financial assistance approval in certain circumstances. For example, approval may be given for a scheme of works with payment not being guaranteed until the following financial year. This will allow some payments to be made for preliminary or ancillary fees. For example fees for drawings and legal costs.

Any Essential Repairs Assistance totalling over £500 will be repayable on the sale or transfer of a property within a 10 year period commencing with the completion of the works.

C Key Service Standards

The Environmental Development Service is committed to

- Intervene where housing conditions are statutorily unacceptable to ensure residents can live in a safe and health environment
- To provide information, education and support services as well as enforcement and grants

- Ensure that the service can be easily accessed by customers
- Provide information in other languages or formats such as large print, Braille, audio etc on request

Key service standard

- We aim to approve or refuse all completed applications for assistance within 6 weeks of receipt. Many vulnerable applicants need a considerable amount of help and our client group has a majority of this category of applicant. Resources will not always be adequate to meet this target at times of peak demand.
- When we are not able to meet our target times we will advise applicants of the delay and the reason for the delay and, where possible, when the application will be dealt with.

D Complaints Procedure

In the first instance, complaints should be referred to the casework officer who is dealing with the enquiry or application. Where this is not appropriate because the complaint is about the casework officer, or where a complaint previously made has not been resolved, the Team Manager responsible for grant administration will investigate and take appropriate action.

Comments and Complaints regarding the City Council's Policy

Complaints relating to this policy should be directed to the person below, preferably in writing. The Council has tried to devise a policy that achieves as much as possible within the resources available but we welcome feedback from our customers and potential customers. It is intended that the policy will be reviewed on an annual basis. Exceptionally, the Council may change its' policy at some time during the year according to its' own procedures.

Environmental Development
 Oxford City Council
 Ramsay House
 10 St. Ebbes Street
 Oxford
 OX1 1PT
 Tel: 01865 252887
 e-mail: environment@oxford.gov.uk

E Formal Complaints Procedure

The Council has a formal complaints procedure. If you have a complaint regarding the administration of this policy it should be directed to;

John Copley
Head of Environmental Development
Oxford City Council
Ramsay House
10 St. Ebbes Street
Oxford
OX1 1PT
Tel: 01865 252386
e-mail: jcopley@oxford.gov.uk

F Applications outside of the Policy (Exceptional circumstances)

The Council will consider applications for assistance that fall outside of the policy. In order to make such an application the service below should be contacted in the first instance:

Environmental Development
Oxford City Council
Ramsay House
10 St. Ebbes Street
Oxford
OX1 1PT
Tel: 01865 252887
e-mail: environment@oxford.gov.uk

Applications should preferably be made in writing, however in some instances you may wish to seek verbal advice in the first instance.

Exceptional cases, which fall outside the criteria laid down in the policy, will be approved or referred by a Strategic Director in consultation with the Head of Environmental Development and the relevant service manager.

Where it is clear that an omission in policy has arisen that would set a precedent for many other similar applications, a report to the Council's City Executive Board will be required for a change in grant policy to be considered.

G National and Local Performance Indicators

There are no National Indicators specific to this work area, however the activities do feed in to NI's that are relevant to Public Service Area 17 - Tackle poverty and promote greater independence and well-being in later life and DEFRA's Departmental Strategic Objective to tackle climate change.

- NI 139 People over 65 who say that they receive the information, assistance and support needed to exercise choice and control to live independently
- NI 186 Per capita reduction in CO2 emissions in the local authority area

- NI 187 Tackling fuel poverty – people receiving income based benefits living in homes with a low energy efficiency rating

There are also local performance indicators linked to the Home Improvement Agency which are monitored and reported on separately to the County Council as part of the contract. These include:

- 200 referrals per annum
- 90% responded to in 3 working days
- 80 completed jobs
- 394 small repairs
- 70 hospital discharges

8 Policy Implementation

8.1 This policy shall come into effect on 21st July 2003 (revised 15th October 2008). The policy shall subsist until the City Council approves any amendments or a successor policy is approved.

8.2 It is intended that the policy will be reviewed annually and any proposed changes will be evaluated and implemented as soon as practically possible, if adopted.

8.3 Circumstances that might necessitate an earlier review might include changes in the available financial resources or changes to the Councils' wider corporate strategies.

9. Future Action Plan

9.1 Provide more information and support particularly for older people who may be isolated. We will do this through partnership working with other workers in health care, benefits, social and community services and other support services.

9.2 Revise our enforcement policy to ensure we uses enforcement measures effectively with due regard to any risks.

9.3 Improve monitoring and align progress against climate change targets.

APPENDIX 1

What is a decent home?

This Appendix gives detailed definitions of each of the four criteria that make up the decent home standard.

Criterion a: It meets the current statutory minimum standard for housing.

The current minimum standard for housing is the Housing Health and Safety Rating, category 1 hazard (section 58, Housing Act 2004)

Criterion b: It is in a reasonable state of repair

A dwelling satisfies this criterion unless:

- one or more key building components are old *and*, because of their condition need replacing or major repair; or
- two or more other building components are old *and*, because of their condition need replacing or major repair.

BUILDING COMPONENTS

Building components are the structural parts of the dwelling (e.g. wall structure, roof structure), other external elements (e.g. roof covering, chimneys) and internal services and amenities (e.g. kitchens, heating systems). Key building components are those which, if in poor condition, could have an immediate impact on the integrity of the building and cause further deterioration in other components. They are the external components plus internal components that have potential safety implications and include:

- External Walls
- Roof structure and covering
- Windows/doors
- Chimneys
- Central heating boilers
- Gas fires
- Storage heaters
- Electrics

If any of these components are old and need to be replaced, or require immediate major repair, then the dwelling is not in a reasonable state of repair and remedial action is required.

Other building components are those that have a less immediate impact on the integrity of the dwelling. Their combined effect is therefore considered, with a dwelling not in a reasonable state of repair if 2 or more are old and need replacing or require immediate major repair.

OLD AND IN POOR CONDITION

A component is defined as 'old' if it is older than its expected or standard lifetime. The component lifetimes are listed in Annex A.

Components are in poor condition if they need major work, either full replacement or major repair. The definitions used for different components are, for the sake of brevity, not reproduced here but are contained in "A Decent Home: the revised definition and guidance for implementation. Department of Transport, Local Government and the Regions, 2002" at Annex B.

One or more key components, or two or more other components, must be both old and in poor condition to render the dwelling non-decent on grounds of disrepair. Components that are old but in good condition or in poor condition but not old would not, in themselves, cause the dwelling to fail the standard.

A building component which requires replacement before it reaches its expected lifetime has failed early. Under the terms of the definition, this early failure does not render the dwelling non-decent.

Criterion c: It has reasonable modern facilities and services

A dwelling is considered not to meet this criterion if it lacks three or more of the following facilities:

- A kitchen which is 20 years old or less
- A kitchen with adequate space and layout
- A bathroom which is 30 years old or less
- An appropriately located bathroom and WC
- Adequate noise insulation
- Adequate size and layout of common entrance areas for block of flats.

The ages used to define the 'modern' kitchen and bathroom are less than those for the disrepair criterion. This is to take account of the modernity of kitchens and bathrooms, as well as their functionality and condition.

Criterion d: It provides a reasonable degree of thermal comfort

The definition requires a dwelling to have both:

- Efficient heating; and
- Effective insulation

Efficient heating is defined as any gas or oil programmable central heating or electric storage heaters or programmable LPG/solid fuel central heating or similar efficient heating systems which are developed in the future. Heating sources which provide less energy efficient option fail the decent home standard.

Because of the differences in efficiency between gas/oil heating systems and the other heating systems listed, the level of insulation that is appropriate also differs:

- **For dwellings with gas/oil programmable heating**, cavity wall insulation (if there are cavity walls that can be insulated effectively) or at least 50mm loft insulation (if there is a loft space) is an effective package of insulation.
- **For dwellings heated by electric storage heaters/LPG/programmable solid fuel central heating** a higher specification of insulation is required: at least 200mm of loft insulation (if there is a loft) and cavity wall insulation (if there are cavity walls that can be insulated effectively).

ANNEX A

Component lifetimes and definition of ‘in poor condition’ used in the national measurement of the disrepair criterion.

Table 1 shows the component lifetimes within the disrepair criterion to assess whether the building components are ‘old’.

Building component (key components marked *)	Houses and Bungalows	All flats in block of below 6 storeys	All flats in blocks of 6 or more storeys
Wall structure *	80	80	80
Lintels *	60	60	60
Brickwork (spalling) *	30	30	30
Wall finish *	60	60	30
Roof structure *	50	30	30
Roof finish *	50	30	30
Chimney *	50	50	N/A
Windows *	40	30	30
External doors *	40	30	30
Kitchen	30	30	30
Bathrooms	40	40	40
Heating central heating gas boiler *	15	15	15
Heating central heating distribution system	40	40	40
Heating other *	30	30	30
Electrical systems *	30	30	30

IN POOR CONDITION

Table 2 sets out the definitions used within the disrepair criterion to identify whether building components are ‘in poor condition’.

Definition of “in poor condition” used in EHCS	
Wall structure	Replace 10% or more or repair 30% or more
Wall finish	Replace/repoint/renew 50% or more

Chimneys	1 chimney need partial rebuilding or more
Roof structure	Replace 10% or more or strengthen 30% or more
Roof covering	Replace or isolate repairs to 50% or more
Windows	Replace at least one window or repair/replace sash or member to at least two (excluding easing sashes, reglazing painting)
External doors	Replace at least one
Kitchen	Major repair or replace 3 or more items out of the 6 (cold water drinking supply, hot water, sink, cooking provision, cupboards, worktop)
Bathroom	Major repair or replace 2 or more items (bath, wash hand basin, WC)
Electrical system	Replace or major repair to system
Central heating boiler	Replace or major repair
Central heating distribution	Replace or major repair
Storage heaters	Replace or major repair

APPENDIX 2

DEFINITIONS WITHIN THIS POLICY or grant applications made under the policy.

'Administration Charge'	Will be imposed by the Council to cover the cost 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.
'Charge on a Property'	Is where the local authority legally places a financial charge on the record of a house and recovers the debt outstanding to it, plus interest, upon its sale if not settled beforehand.
'Common Parts'	In relation to a building, includes the structure and exterior of the building and common facilities provided, whether in the building or elsewhere, for persons who include the occupiers of one or more flats in the building.
'Consent of Mortgagee'	Is given by the building society, bank etc with whom the applicant has their mortgage in the case of freeholders and leaseholders.
'Date of final payment of grant/loan monies'	Is the date of the final cheque from the Council that completes payment of the grant/loan assistance.
'Eligible works'	Means the works that the Council considers necessary to achieve the minimum statutory requirements of the Building Act 1985 and meet the Decent Homes Standard or other relevant legal requirements.
'Equity Release'	Is a means by which elderly persons can raise money against the value of their home where the difference between any outstanding mortgage/loan and its current market value is significant, also applicable where there is no outstanding mortgage/loan. The method of repayment can vary but generally the value of the loan, with or without interest, is repaid upon sale of the property.
'Exceptional cases'	Means circumstances not specifically covered within the policy but within the spirit and general intention of the policy framework.
'Fuel Poverty'	Households in fuel poverty are those spending 10% or more of their income on home energy bills; or are those that would need to spend that amount on energy to heat its home to an adequate standard of warmth.
'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.
'Mandatory/Disabled Facilities Grant'	Is defined in the Housing Grants, Construction and Regeneration Act 1996, as amended, or as in any successor statutory definition.

'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'	She/he 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.
'Persons not related or connected with the owner of a dwelling'	Means not being a member of the owner's family in accordance with the definition of 'Member of the family'.
'Preliminary or Ancillary Fees and Charges'	<p>Which may be included in a grant/loan application are:</p> <p>Technical and structural surveys;</p> <p>Design and preparation of plans and drawings; and preparation of schedule of works;</p> <p>Obtaining of estimates and valuations;</p> <p>Applications for building regulations approval and planning permission;</p> <p>Supervision of works;</p> <p>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); and</p> <p>Advice on contracts and on financing the cost of works.</p>
'Proof of Title'	Is completed by a Solicitor or mortgagee on an applicant's behalf in the case of freeholders or leaseholders to confirm ownership.
'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.
'Statutory Notice'	Is a notice requiring owners/responsible persons to carry out work or some other action with regard to their property. The notice is served using the power of a national law and failure to comply may result in prosecution through the courts or works being carried out at the responsible persons/owners expense.
'Substantial Disrepair'	Means repairs to a single property, being required to put it in reasonable repair that will cost over £1,000.
'Test of financial resources'	It's the test used to calculate an owners contribution towards a mandatory disabled facilities grant and other grants or assistance within this policy.
'Vulnerable People'	Includes individuals and households falling within the following groups:

Those with disabilities (including physical disability, infirmity, frailty, mental health problems and learning disabilities);
low income groups (including the elderly (over 60's) and families with children (under 16 years of age) ;
households in fuel poverty.
young People (under 25 years of age);
adults in rehabilitation;
those whose need for immediate assistance to prevent injury or harm outweighs their ineligibility for assistance on other grounds.

'Works in Default'

Means works that the Council organises and possibly carries out works as a result of the recipient of a statutory notice failing to comply with its requirements within a reasonable period of time.

'Working Days'

Means days excluding Saturday, Sundays, Bank and Public Holidays.

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Housing Assistance and Disabled Adaptations Policy

The Regulatory Reform (Housing Assistance)
(England and Wales) Order 2002

Revised <subject to approval>

1. Introduction

1.1 The Council aims to be as helpful to potential applicants for financial assistance as resources will allow. It is happy to give guidance and advice on request. At times of heavy demand it will be obliged to prioritise the workload and it may have to operate waiting lists.

1.2. The Council is duty bound to approve applications made under section 23(1) of the Housing Grants, Construction and Regeneration Act 1996 that satisfy the requirements of that Act, for example mandatory Disabled Facilities Grants (DFG).

1.3 In 2002 the government brought in the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 which provide freedom and opportunities for the Local Authority to address housing issues. In 2008-9 the government extended the scope of the RRO to include use of the DFG money. This enables the authorities to use specific DFG funding for wider purposes. The Council has discretionary powers under “the Order” to provide assistance in any form for the purpose of improving living conditions.

1.4 In 2016-17, the Better Care Fund was increased to a mandated minimum of £3.9 billion to be deployed locally on health and social care through pooled budget arrangements between local authorities and Clinical Commissioning Groups (CCGs). Part of the fund is the £394 million allocation for the Disabled Facilities Grant, which is paid directly from the Government to local authorities. The Better Care Fund (BCF) brings together money from a number of health and social care budgets in order to find better ways of delivering health and care services, and make a person’s health pathway easier to navigate. It is a crucial part of delivering the aims of the Care Act, especially on the prevention agenda and reducing hospital discharge delays.

1.5 The assistance provided must allow for at least the same level of assistance as that offered by the existing Mandatory DFG. Crucially the assistance available from Oxford City Council under this policy enables the provision of more flexible, wide ranging financial assistance, to better meet some of these needs.

1.6 This policy will remain in force until such time as it is reviewed and amended. It is intended that there will be a management review of this new policy no later than the end of the 2019/20 financial year so that demand any further funding changes in 2019/20 can be assessed and the policy amended accordingly to account for this.

1.7 All our advice leaflets and marketing information has been refreshed to reflect the new policy. We will do a proactive awareness raising campaign as part of the implementation of the new policy.

2. Summary of Types of Assistance

2.1 In brief, assistance will be provided for the following purposes, details of which are provided later in this document:-

Disabled Facility Grant Funding

- Disabled Facility Grants – Mandatory Grant
- The Adapted Homes Grant
- Relocation Assistance
- Discretionary Disabled Facilities Grants
- Safe and Secure Grant

Discretionary Housing Assistance Grants

2.2 The following forms of assistance are discretionary grants and therefore such assistance only remains available while funds permit. Funding maybe withdrawn with immediate effect for grants yet to be approved.

- Essential Repairs Assistance
- Flexible Home Improvement Loans
- Empty Homes Loans
- Small Repairs Scheme
- Property MOT - free for those qualifying for financial assistance.
- Residential House Boats -measures to meet minimum safety standards under the Boat Safety Scheme - subject to test of financial resources.
- Mobile Homes - essential repairs - subject to a test of financial resources.

3. Disabled Facilities Grants

3.1 The Council has a statutory obligation to administer mandatory Disabled Facilities Grants (DFGs) to provide aids and adaptations to enable disabled residents to live independently within their own homes.

3.2 The eligibility requirements, scope of works, and the general requirements governing mandatory DFGs are prescribed and the Council is unable to deviate from these requirements.

3.3 The Council is required to administer Disabled Facilities Grants to all eligible applicants irrespective of their tenure, and the Council aims to work collaboratively with housing associations to fund aids and adaptations within social housing wherever possible to share the cost between the Council and the housing association that owns the property being adapted.

4. Adapted Homes Grant

4.1 The Adapted Homes Grant is intended to help Oxford City residents to adapt their current home. The maximum grant available under this scheme is £5,000 (including any fees and VAT).

4.2 The Oxford City Adapted Homes Grant is similar to the eligibility criteria for the national Disabled Facilities Grant scheme with some exceptions, which are intended to make this assistance easier to approve and more flexible.

4.3 The Oxford City Adapted Homes Grant will be only be available whilst funds permit as it is a discretionary grant. Funding maybe withdrawn with immediate effect, however in such instances Mandatory DFG will continue to be available.

Who can apply for an Adapted Homes grant?

4.4 Those persons eligible for a Disabled Facilities Grant or Minor Works Grant are also eligible for an Adapted Homes Grant including any person who is, or is applying on behalf of someone who is:

- registered or registerable as disabled *

* registerable - the person is eligible under the definition of disabled as defined under section 6(1) of the Equality Act

4.5 A person over the age of 18 is eligible to apply for an Adapted Homes Grant under the same criteria as a Disabled Facilities Grant, this can be for themselves or on behalf of the disabled person if they:

- own their own home as a freeholder or leaseholder (with at least 5 years left to run),
- are a tenant or life tenant,

- or have a license to occupy a park home on a licensed site and live in the Oxford City.

What other criteria is there?

4.6 Only one application a year per person can be made for an Adapted Homes Grant.

4.7 The person applying for the grant will normally need to confirm that the disabled person (this could be themselves or somebody that they are applying for *intends* to live at the property subject to the Oxford City Adapted Homes Grant for the next five years, as their main residence).

4.8 If the property is jointly owned, the applicant will need to get the written consent from any joint owners (who do not live at the property as their main residence), that they confirm the eligible works can be completed to the property.

4.9 If the applicant is a tenant, the applicant will need to obtain the written consent of the property owner agreeing that the eligible works can be completed to the property.

Test of Financial Resources

4.10 Any grant eligible works paid under this grant will not be subject to a 'means test' of the financial resources of the disabled occupant. Therefore in such cases the disabled occupant will be entitled to receive a full grant to cover the cost of the eligible works up to £5,000 (including any fees and VAT).

4.11 Unless otherwise stated in this document all other aspects of the provision of Disabled Facilities Grant under the Housing Grants Construction and Regeneration Act 1996 and associated regulations and guidance shall apply including the list of eligible works.

What works are eligible?

4.12 In considering the eligible works Oxford City consult a suitably qualified professional which includes an Occupational Therapist.

4.13 The cost of the eligible works shall be determined so as to provide 'best value' and maybe decided by an appropriate schedule of rates, a 'mini tender' process or in exceptional circumstances, a single quotation for the eligible works.

4.14 Minor Works up to £1,000 are funded by Social Services, and undertaken by Direct Services adaptation team. For works that exceed the £1,000 limit the Adapted homes grant can be used to top-up funding for these works. In this case the existing Direct Services single quote will be used to expedite these urgent works.

4.15 The eligible works shall be 'necessary and appropriate' to meet the needs of the disabled occupant and it must be 'reasonable and practicable' to carry out the relevant works having regard to the age and condition of the dwelling.

4.16 Regard shall be had to the associated guidance and good practice in determining these factors.

4.17 The maximum grant payable for eligible works is £5,000, including the cost of any associated 'preliminary and ancillary charges' associated with the eligible works.

5. Relocation Grant

5.1 The Oxford City Relocation Grant can provide financial assistance to help disabled persons move to a more appropriate home.

5.2 An applicant may also apply for assistance for expenses incurred in moving to a more appropriate home outside of the local housing authority area where they live, which may be within or outside of Oxford City.

Eligibility

5.3 To qualify for this type of assistance the applicant must be:

- a person who would otherwise qualify for a mandatory Disabled Facilities Grant, were it possible to carry out the works; and
- whose contribution towards the cost of the works would, using the test of resources prescribed by the Government for determining mandatory Disabled Facilities Grants, be less than £5,000; and
- is an owner-occupier whose principal or only residence is within the City of Oxford.

5.4 To qualify, the Council must be satisfied that either:

- (a) it is not practicable to carry out works that would be considered "necessary", "appropriate" and "reasonable" under section 24 of the Housing Grants, Construction and Regeneration Act 1996, or
- (b) The 'new' property shall in the opinion of the Oxford City HIA provide a long term, sustainable home for the person for whose benefit the works are required so that either an adaptation is not necessary or the new adaptation is significantly smaller than the original DFG request. The total cost incurred in the eligible relocation expenses at the 'new' property should not be greater than the cost of adapting the applicant's current home.
- (c) the works cannot be carried out without the permission of a third party and that permission has not been forthcoming.

5.5 The Council will not provide this type of assistance retrospectively. The Council will only consider an application for this type of assistance where it has notified the applicant in writing that one of the three criteria listed above apply.

5.6 In exceptional circumstances, the Council will consider providing assistance to enable a private tenant to move to more suitable accommodation.

Eligible Costs

5.7 The Council will pay any of the following reasonable costs subject to satisfactory evidence that the expenditure has been incurred:-

- (a) Stamp duty;
- (b) Mortgage arrangement fees;
- (c) Estate agents' fees;
- (d) Furniture removal costs;
- (e) Utility connection costs;
- (f) Conveyancing costs and/or;
- (g) Any other costs that are deemed by the Council to be essential to effect the move;

5.8 This is subject to a maximum total level of assistance of £15,000 per applicant.

Application

5.9 An application shall be made in a format prescribed by the Council. Application Forms are available on request.

Conditions

5.10 A person who receives relocation assistance shall not be entitled to claim similar assistance for a period of 10 years. However, the provision of this type of assistance does not remove the right of any person to apply for a mandatory Disabled Facilities Grant at any time.

Payment

5.11 A single payment will be made to the applicant upon completion of the move and upon receipt of satisfactory copies of any receipts, demands or other evidence of payment.

6. Discretionary Disabled Facilities Grants

6.1 The Council will consider applications for discretionary Disabled Facilities Grants in exceptional cases. These grants may be applied for either on their own or in addition to a mandatory Disabled Facilities Grant.

6.2 These grants will be subject to the client having a "nil contribution" from the mandatory DFG prescribed test of resources and will be subject of a maximum of £10,000 per application.

6.3 Assistance is limited to properties within the City of Oxford and applications will be considered for:

- Helping to pay towards a mandatory Disabled Facilities Grants which has exceeded the £30,000 limit.
- Adapting or providing a room for the use of a housebound person with a disability for the purpose of receiving specialised care or medical treatment, which on expert medical or other advice, is best delivered at home.
- The provision of a safe play area for a child, with disabilities, under the age of 10 at the date of application for a grant.
- Other works to provide a solution for vulnerable and disabled applicants needs. This would be subject to authorisation by the Head of Service.
- Where applicants have a contribution to make according to the outcome of the prescribed test of resources, they may provide written evidence to the Council, from an Independent Financial Advisor of their inability to raise sufficient funds to cover their own contribution. In these circumstances the City Council will consider approving discretionary grant aid if that is the only option for enabling the agreed works to proceed. The City Council may seek further advice before determining the application.

7. Safe and Secure Grant

7.1 The Safe and Secure Grant is designed to enable low income home owners and tenants* to quickly access financial assistance to carry out a wide range of minor adaptations and small repairs to reduce risks and accidents around the home, promote independent living and assist with hospital discharge or prevent hospital admission.

7.2 This is a discretionary grant and therefore such assistance only remains available while funds permit. Funding maybe withdrawn with immediate effect for grants yet to be approved.

Who can apply for a Safe and Secure Grant

7.3 A person is eligible to apply for a Safe and Secure Grant if they are over 18 years old, live in the local authority area of Oxford City and:

- The applicant must be 60 years of age or over or be registered as disabled (or able to be registered)
- own their own home as a freeholder or leaseholder (with at least 5 years left to run),
- are a tenant* or life tenant,

- or have a licence to occupy a park home on a licensed site and;

***this grant assistance will not be provided for tenanted properties where the eligible works are the normal, legal responsibility of the landlord.**

7.4 At the Oxford City HIA discretion, a grant will be considered for the reasonable cost of the work necessary to:

- carry out minor works to enable independent living
- works to prevent falls in and around the home
- reduce hazards or risks that are likely to cause serious harm or injury
- carry out a range of works to enable hospital discharge or prevent hospital admission that cannot be covered under statutory minor works funding.
- examples of eligible works may include:
 - water supply, drainage and heating issues
 - electrical and gas safety
 - repairs or modifications to stairs, floors and steps
 - safety and security repairs
 - adaptations not eligible for statutory funding from other agencies

Amount of Assistance

7.5 The maximum grant is £1,000. The grant may include the cost of the eligible works plus any agency fee which is 10% of the net cost of the works (a minimum £10 agency fee applies).

What conditions are attached to the grant?

7.6 For works carried out by the Oxford City Council Handyperson, no quote is required. The Handyperson will complete the application form on-site with the client.

7.7 For all other works one quotation from an Oxford City HIA contractor shall be submitted for the cost of the eligible approved works along with a completed application form. No works shall be carried out without formal grant approval.

7.8 Once all the above paperwork is received or obtained by the Oxford City HIA service to their satisfaction, then the application will be considered complete.

7.9 Once an application is considered complete, the Oxford City HIA service will in eligible cases approve a grant in accordance with any agreed response time.

7.10 The grant will only be paid upon the successful completion of the works to the satisfaction of the Oxford City HIA service and upon receipt of suitable invoice(s).

7.11 Grant monies will only normally be paid directly to the contractor who performed the eligible works.

8. Essential Repairs Assistance (ERA)

Eligibility

8.1 Applications will be considered where the applicant(s):

- Are over 18 years of age;
- These grants will be subject to the client having a “nil contribution” from the mandatory DFG prescribed test of resources and will be subject of a maximum of £5,000 per application.
- Occupies the property, within the City of Oxford, as their sole or principal residence in the United Kingdom.
- Has repairing liability in law; and
- Other than in exceptional circumstances, has lived in his/her home for a minimum of three years.

8.2 If an applicant meets these criteria, then under any of the following circumstances financial assistance may be available.

- (a) Where a risk to the security of the occupier exists e.g. insecure windows or doors.
- (b) Where a breakdown of the primary source of heating or hot water has arisen or where it is so defective that a breakdown is inevitable.
- (c) Where a major defect exists that puts the health and safety of the occupier at an unacceptable level of risk e.g. an unsafe gas or electrical system.
- (d) Where there is a significant risk to public safety e.g. from an unsafe chimney or loose roof coverings.
- (e) Where internal works that pose an immediate risk to the occupier, their carer or other visitors to the property exist e.g. rotten flooring or a dangerous staircase.
- (f) Where a major structural element is so defective that significant further damage to the structure of the property or an adjoining property, will arise if remedial action is not taken e.g. a badly leaking roof or leaking gutters or downspouts.

- (g) Where there is a serious risk to health that is directly attributed to the repairs or adaptations required. In some cases medical evidence of need may be required e.g. from a GP or Hospital Consultant.
- (h) Where a notice requiring repair would otherwise be served or where a higher level of enforcement action would be necessary e.g. making a Closing Order and re-housing the occupier.
- (i) Where properties have a low Standard Assessment Procedure Rating (SAP 60 or below), grant assistance to meet the Decent Homes Standards will be available.

Amount of Assistance

8.3 A maximum of £5,000, per property, is payable to execute repairs in any three year period where the works fall within the above list. The grant may include the cost of the eligible works plus any agency fee which is 10% of the net cost of the works (a minimum £10 agency fee applies).

TARGET STANDARD OF REPAIR

The target standard of repair to be achieved is one which will remedy the defect and which will remove the associated health risks. Renewal of a failed element will take place when this is the most cost effective remedy. For example, a leaking roof may require either repairs or renewal of one or more roof slopes; or the whole roof may need to be stripped and re-laid. If the roof is generally sound and is judged to have at least 10 years further life, it will be repaired. Replacement windows will have to meet the Building Regulation standards and other standards, e.g. in conservation areas or if the property is a Listed Building.

Conditions

8.4 All Financial Assistance over £500 is subject to the following conditions:

- Sale or transfer of a property within a 10 year period from the date of completion of any works will result in the money being repayable in full.
- Any financial assistance paid will be based on a specification for works that has been either provided by, or approved by, the Council. Specifications that are not approved by the Council will not be accepted. Quotations based on unapproved specifications will not be acceptable.
- The contract for any works undertaken is between the applicant and the contractor
- In general, at least two quotations are required for works that will cost over £1,000, unless prior agreement has been given by the Council (or its agent), the case is one of emergency, or the work is of a specialist nature not normally carried out by building contractors. All quotations must be itemised (to assist with settlement of any variation in cost or dispute that may subsequently arise), be on proper letter heading and be dated.

9. Flexible Home Improvement Loans (FHIL)

9.1 Oxford City Council is part of a consortium of 17 local authorities who have been awarded funding from the South East Regional Housing Board for a not-for-profit Flexible Home Improvement Loan Scheme. The local authorities have created Flexible Home Improvement Loans Limited, which is a not-for-profit company, limited by guarantee and wholly owned by local authorities across Berkshire, Buckinghamshire, Oxfordshire and Surrey.

9.2 The eligibility requirements, scope of works, and the general requirements governing FHIL's are prescribed and the Council is unable to deviate from these requirements.

Eligibility

9.3 To qualify for this type of assistance the applicant must be an owner-occupier aged 60 or over, and living in the City of Oxford. In the case of joint owners, each must be at least 60 years of age.

Eligible works

9.4 We will consider improvements that will make the home safer, warmer, healthier or more comfortable for the occupants. Examples of work that may be acceptable include essential repairs and maintenance, central heating or improvements to heating, replacement doors and windows, home security and the installation of adaptations such as level access showers.

Amount of Assistance

9.5 The minimum amount of assistance is £1,000 and the maximum is based on the property value.

Conditions

9.6 Loans are subject to conditions which are set by FHIL and agreed by the client in writing.

- The loan will be secured by a charge on the property.
- The interest rate is fixed for the term of the loan.
- During the term of the loan the recipient can choose to make regular monthly payments, occasional payments or no payments at all. The repayment arrangements can be varied at any time by the loan recipient.
- The loan plus outstanding interest must be repaid if the home is sold, or if the owners cease to occupy it.

Fees and charges

9.7 There will be the following fees and charges associated with the loan:

- There will be a fee of £30 for the loan documentation and legal charge, plus a fee to the land registry, which will be quoted at the time of the application.
- There is an annual charge of £15 to cover the cost of loan administration and statements.
- If Oxford City council HIA team manage the works on behalf of the client an agency fee will be charged which is 10% of the net cost of the works.
- Any fees incurred by the applicant may be added to the loan.

10. Empty Homes Loans

How does the scheme work?

10.1 Flexible Home Improvement Loans Limited offer Empty Homes Loans. Empty Homes Loans may be regarded as 5 year, flexible, bridging finance secured by a first charge or, in some circumstances, a second charge on the property.

10.2 After the work has been completed you may let the property or use it as your own residence. During the term of the loan you can choose to make regular monthly payments, occasional payments or no payments at all. Furthermore, you are free to vary the arrangement at any time.

10.3 The loan, plus outstanding interest, must be repaid on the fifth anniversary of making the loan, or if the property is sold, whichever occurs first. The borrower will normally need to remortgage, or sell, the property to repay the loan. Interest will be charged at 2% above Bank of England rate, subject to minimum and maximum rates (please contact us for a quotation). Your account will also be debited with an annual charge of £15 to cover the cost of loan administration and statements.

10.4 The loan may be repaid, in whole or part, at any time before the end of the five years, without penalty. When the loan is completely repaid there is a flat fee of £50.00 for cancellation of our registered charge

Who is eligible?

10.5 Empty Homes Loans are available to owners of empty properties and anybody wishing to purchase an empty property.

10.6 Applications are processed on a non-status basis, although a credit check is carried out. A very poor credit history may result in the application being declined and bankruptcy will automatically prevent us from making a loan.

Are there any setting-up costs?

10.7 There will be a fee for loan documentation and registration of the legal charge. The fee will be added to the loan and is currently £80.00 for loans up to £100,000. In certain circumstances the Council may need to obtain a valuation of the property to confirm the equity is sufficient to cover the loan. This is unlikely to be needed in the majority of cases.

10.8 If you decide to engage a solicitor to act for you, they will almost certainly charge for their service. Any fees incurred may, if you wish, be added to the loan.

11. Small Repairs Scheme

Handyperson Services

11.1 A handyperson service provides a range of practical support services for older and disabled people with the aim of helping them maintain independent living. Oxford City Council currently provides a chargeable Handyperson Service for a wide range of jobs which can include:

- Small building repairs
- Minor adaptations
- Odd jobs such as putting up curtains, shelves, replacing light bulbs.
- General home safety checks and remedial actions
- Falls and accident prevention checks and remedial actions such as repairing floor coverings
- Security checks – installing locks, chains and spyholes
- Fitting handrails and fitting “keysafes”
- Installing smoke detectors (including special smoke alarms for the deaf)

11.2 This list is not exhaustive but generally work should be considered as ‘small repairs’ that can be completed quickly.

Who can use the scheme?

- Disabled people over 18 years old.
- Older vulnerable people (over 55 years of age). Priority will be given to those households and individuals who are disabled or in receipt of income support or other means tested benefits.
- Homeowners and private tenants (but not for works that are the responsibility of the landlord).
- Residents of Oxford City.

Charging

11.3 The costs are based on an hourly charge (this is currently £19 per hour) plus the cost of materials. Costs will vary from job to job and free quotations are given.

12. Property MOT

12.1 Home owners who are eligible for ERA or the Small Repairs Scheme can contact the Council to request a 'Property MOT'. This will take the form of an assessment covering the major elements and identifying both existing and anticipated repairs/replacements and any other significant shortcomings within the dwelling. The 'Property MOT' will help owners to prioritise works; have a better understanding of the condition of their homes and, for those who are able, to investigate loan options. Having a better understanding of the overall condition of their property will allow owners to consider the total cost of any works and evaluate their property and options.

13. House Boats

13.1 Financial assistance is available to qualifying households (Based on ERA criteria) to cover essential repairs required to meet the minimum standards required by Canal & River trust under the Boat Safety Scheme and appropriate energy efficiency measures.

13.2 A maximum of £5,000, in any three year period is payable.

14. Mobile Homes

14.1 Financial Assistance is available to qualifying households (based on ERA criteria) to cover essential repairs and appropriate energy efficiency measures.

14.2 It should be noted that both residential houseboats and mobile homes have a limited life and that an assessment of the anticipated future life of the structure will be undertaken before grant aid is approved. A minimum anticipated future life of 4 years is required. Owners of structures with a shorter anticipated life will receive assistance to carry out temporary or emergency repairs sufficient to enable other housing options to be explored.

14.3 A maximum of £5,000 in any three year period is payable.

15. Paying for Staff

15.1 Some local authorities have engaged in-house Occupational Therapists where extended waiting lists occur and covered the costs using the Better Care Fund (BCF) funding. Oxford City Council may use BCF funding to engage an Occupational Therapists or other similar support posts in order to help meet the directives of the BCF funding. This will be referred and approved by the Head of Service

16. Administration

How to Apply for Assistance

16.1 Assistance will be provided through the Councils' Home Improvement Agency (HIA). Enquiries can be made in person at St Aldates, by telephone (01865 252887), in writing (HIA Team, St Aldate's Chambers, 109 St Aldate's, Oxford OX1 1DS, by e-mail, hia@oxford.gov.uk or via the Council's Website (www.oxford.gov.uk/hia).

16.2 A preliminary enquiry system will allow enquiries to be routed quickly to the most appropriate form of assistance. Enquirers will be advised wherever delays are likely, including the likely length and the reason for a delay.

16.3 The preliminary enquiry system will help to ensure that higher risk cases are dealt with first if delays are likely. For low priority cases a waiting list will be kept.

Grant Conditions

16.4 All works for which discretionary grants and assistance are awarded must be completed within 6 months, or such longer period of time that has been agreed in writing by the Council. Applicants will not normally be able to reapply for a grant or other assistance within 12 months of the expiry of a previous approval. No retrospective applications will be considered.

16.5 All works must be completed in accordance with a specification of works agreed by the council. The agreed works must be carried out to a satisfactory standard of workmanship.

16.6 The payment of any form of financial assistance will be subject to bona fide invoices being provided by the approved contractor or in exceptional circumstances, with the approval of the casework officer, an alternative contractor. For example if the original contractor is unable to carry out the works.

16.7 The Council may give a qualified financial assistance approval in certain circumstances. For example, approval may be given for a scheme of works with payment not being guaranteed until the following financial year. This will allow some payments to be made for preliminary or ancillary fees. For example fees for drawings and legal costs.

16.8 Any Essential Repairs Assistance totalling over £500 will be repayable on the sale or transfer of a property within a 10 year period commencing with the completion of the works.

17. Applications outside of the Policy

17.1 The Council will consider applications for assistance that are exceptional or fall outside of the policy. In order to make such an application the service below should be contacted in the first instance:

Home Improvement Agency,
Oxford City Council
St Aldate's Chambers,
109 St Aldate's,
Oxford
OX1 1DS
Tel: 01865 252887
hia@oxford.gov.uk

17.2 Applications should preferably be made in writing, however in some instances you may wish to seek verbal advice in the first instance.

17.3 Exceptional cases, which fall outside the criteria laid down in the policy, will be approved or referred to the Head of Service.

18. Policy Implementation

18.1 This policy shall come into effect on <subject to approval>. The policy shall subsist until the City Council approves any amendments or a successor policy is approved.

18.2 It is intended that the policy will be reviewed annually and any proposed changes will be evaluated and implemented as soon as practically possible, if adopted.

18.3 Circumstances that might necessitate an earlier review might include changes in the available financial resources or changes to the Councils' wider corporate strategies.

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Appendix 3: Risk Register

Title	Risk description	Opp/ threat	Cause	Consequence	Date Raised	Owner	Gross		Current		Residual		Comments	Controls					
							I	P	I	P	I	P		Control description	Due date	Status	Progress %	Action Owner	
	Decline in income	Not spending BCF funds	Threat	Not amending the existing policy to reflect needs	Required funding levels not achieved so that external funding may be reduced.	05/09/17	BB							Keep BCF and County Council informed on progress. Implement new policy.					
		Not spending BCF funds	Threat	Funding reduced	Oxford City still has a statutory duty to approve DFG and may have to review budget provision for funding DFG works.	05/09/17	BB							Implement new policy. Review budget provision for DFG works					
		Not spending BCF funds	Threat	Funding reduced	Oxford City will have to reduce discretionary help we offer to vulnerable residents	05/09/17	BB							Implement new policy. Amend website and publicity top reflect no discretionary help available					
68	Waiting Lists	Capacity of contractors to undertake additional works	Threat	Lack of suitably qualified contractors	Waiting lists and back-up of workload.	05/09/17	BB							Work with procurement to recruit more suitably qualified contractors.					

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Initial Equalities Impact Assessment screening form – Appendix 4

Prior to making the decision, the Council's decision makers considered the following: guide to decision making under the Equality Act 2010:

*The Council is a public authority. All public authorities when exercising public functions are caught by the Equality Act 2010 which became law in December 2011. In making any decisions and proposals, the Council - specifically members and officers - are required to have **due regard** to the 9 protected characteristics defined under the Act. These protected characteristics are: **age, disability, race, gender reassignment, pregnancy and maternity, religion or belief, sex, sexual orientation and marriage & civil partnership***

The decision maker(s) must specifically consider those protected by the above characteristics:

- (a) To seek to ensure equality of treatment towards service users and employees;*
- (b) To identify the potential impact of the proposal or decision upon them.*

The Council will also ask that officers specifically consider whether:

- (A) The policy, strategy or spending decisions could have an impact on safeguarding and / or the welfare of children and vulnerable adults*
- (B) The proposed policy / service is likely to have any significant impact on mental wellbeing / community resilience (staff or residents)*

If the Council fails to give 'due regard', the Council is likely to face a Court challenge. This will either be through a judicial review of its decision making, the decision may be quashed and/or returned for it to have to be made again, which can be costly and time-consuming diversion for the Council. When considering 'due regard', decision makers must consider the following principles:

- 1. **The decision maker is responsible for identifying whether there is an issue and discharging it.** The threshold for one of the duties to be triggered is low and will be triggered where there is any issue which needs at least to be addressed.*
- 2. **The duties arise before the decision or proposal is made, and not after and are ongoing.** They require **advance** consideration by the policy decision maker with conscientiousness, rigour and an open mind. The duty is similar to an open consultation process.*
- 3. The decision maker must be **aware of the needs of the duty.***
- 4. The **impact of the proposal or decision must be properly understood first.** The amount of regard due will depend on the individual circumstances of each case. The greater the potential impact, the greater the regard.*
- 5. **Get your facts straight first!** There will be no due regard at all if the decision maker or those advising it make a fundamental error of fact (e.g. because of failing to properly inform yourself about the impact of a particular decision).*
- 6. What does 'due regard' entail?*
 - a. **Collection and consideration of data and information;***
 - b. **Ensuring data is sufficient to assess the decision/any potential discrimination/ensure equality of opportunity;***
 - c. **Proper appreciation of the extent, nature and duration of the proposal or decision.***

7. **Responsibility** for discharging can't be delegated or sub-contracted (although an equality impact assessment ("EIA") can be undertaken by officers, decision makers must be sufficiently aware of the outcome).
 8. **Document the process** of having due regard! Keep records and make it transparent! If in any doubt carry out an equality impact assessment ("EIA"), to test whether a policy will impact differentially or not. Evidentially an EIA will be the best way of defending a legal challenge. See hyperlink for the questions you should consider <http://occweb/files/seealsodocs/93561/Equalities%20-%20Initial%20Equality%20Impact%20Assessment%20screening%20template.doc>
1. Within the aims and objectives of the policy or strategy which group (s) of people has been identified as being potentially disadvantaged by your proposals? What are the equality impacts?

None of the groups will be disadvantaged.
 The policy will have a positive impact on age, disability race and gender.
 The policy will improve housing conditions, especially those which have a direct health and safety impact on occupiers.
 It will target financially vulnerable occupiers; disabled people, single parent families and pensioners those more likely to be in receipt of benefits.
 The policy continues to target assistance towards disabled persons, especially with regard to Disabled Facilities Grants and loans. General housing improvement may be more desirable where there is a vulnerability, and the policy recognises this.

2. In brief, what changes are you planning to make to your current or proposed new or changed policy, strategy, procedure, project or service to minimise or eliminate the adverse equality impacts?

Please provide further details of the proposed actions, timetable for making the changes and the person(s) responsible for making the changes on the resultant action plan

No adverse impacts were identified. Only positive impacts.

3. Please provide details of whom you will consult on the proposed changes and if you do not plan to consult, please provide the rationale behind that decision.

Please note that you are required to involve disabled people in decisions that impact on them

Consultation will include all groups affected by the policy, which is all vulnerable residents of Oxford City and key stakeholders such as the County Council.

4. Can the adverse impacts you identified during the initial screening be justified without making any adjustments to the existing or new policy, strategy, procedure, project or service?

Please set out the basis on which you justify making no adjustments

No adverse impacts were identified. Only positive impacts.

5. You are legally required to monitor and review the proposed changes after implementation to check they work as planned and to screen for unexpected equality impacts.

Please provide details of how you will monitor/evaluate or review your proposals and when the review will take place

The Policy will create workstreams that will be reported upon annually at a service and corporate level.

Lead officer responsible for signing off the EqIA: Becky Bell

Role: HIA Manager

Date: 06/09/17

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**Performance Summary
Housing Panel**

**Green = target met
Amber = within tolerance
Red = outside tolerance**

**Trends compare relative performance with
Prd: previous month
Prev Year End: previous March
Year on Year: the same period from the previous year**

Jul-2017

Measure		Owner	Result 2016/17	Latest Data		Year End Target 2017/18	RAG	Trends			Comments
Ref	Description			Target	Result			Prd	Prev Year End	Year on Year	
An Efficient and Effective Council											
HP008	HP008: Number of new homes granted permission in the city	Patsy Dell	420 Number	0 Number	176 Number	400 Number	G	↗	↘	↗	Planning permissions for new residential are continuing at a positive rate
NI156	NI 156: Limit our use of temporary accommodation at 2015 levels	Stephen Clarke	96 Number	120 Number	93 Number	120 Number	G	↗	↗	↗	This is an excellent result, against a target of less than 120 households in temporary accommodation. Reducing or maintaining the number of households in temporary accommodation is a challenging target in a very difficult external environment, where the demand for services remains high, and the ability to find suitable accommodation at affordable rents locally, is increasingly difficult. This result is testament to the continued exceptional homeless prevention work and temporary accommodation management undertaken by Housing Needs teams.

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Measure		Owner	Result 2016/17	Latest Data		Year End Target 2017/18	RAG	Trends			Comments
Ref	Description			Target	Result			Prd	Prev Year End	Year on Year	
An Efficient and Effective Council											
BV066a	BV066a: Percentage of rent collected	Tanya Bandekar	98.54%	93.67%	91.43%	98.25%	A				The team has suffered a number of staff changes due to staff turnover and sickness which is starting to show in the collection performance. Whilst the new starters are now in the team they are undergoing training and are not yet fully up to speed. We are looking to add an extra resource into the team for 6 months to assist with getting the collection rate back on track and anticipate that the next few months will show an improvement once the team is fully staffed again and further escalation policies are written to tackle lower level debt.
DS011	DS011: Percentage of Right to Repairs completed on time (Gas and Responsive)	Sean Fry	99.66%	99.00%	99.68%	99.00%	G				YTD 4031 jobs completed on time out of the 4044 jobs completed
DS012	DS012: Percentage of Routine Repairs completed on time (Gas and Responsive)	Sean Fry	95.93%	96.50%	96.76%	96.50%	G				YTD 5053 jobs completed on time out of the 5222 jobs completed
HC016	HC016: Number of affordable homes for rent delivered	Stephen Clarke	0 Number	17 Number	17 Number	55 Number	G				7 social rent flats completed at Dora Carr Close
HP003	HP003: The number of people estimated to be sleeping rough	Stephen Clarke	47 Number	0 Number	0 Number	45 Number	G				Annual measure - an estimate of number of rough sleepers is done in November each year.
HP004	HP004: The number of successful interventions with rough sleepers	Stephen Clarke	383 Number	100 Number	76 Number	300 Number	R				June data missing, therefore showing as under target.
BV064	BV064: Empty homes returned to use	Stephen Clarke	22 Homes	5 Homes	5 Homes	16 Homes	G				On target.

Measure		Owner	Result 2016/17	Latest Data		Year End Target 2017/18	RAG	Trends			Comments
Ref	Description			Target	Result			Prd	Prev Year End	Year on Year	
An Efficient and Effective Council											
CS002	CS002: Time to process changes in circumstances	Helen Bishop	11 Days	9 Days	16 Days	9 Days	R				The indicator is currently over target and likely to remain so for the next 2 months whilst the team catch up from training days and additional workload at year start. Additional resources are being utilised via agency staff and Civica resilience contractors to bring outstanding workloads up to date by the end of September
CS005	CS005: Time to process new benefits claims	Helen Bishop	12.86 days	13.00 days	20.30 days	13.00 days	R				New claims are treated as a priority however these are currently over target and likely to remain so for the next 2 months whilst the team catch up from training days and additional workload at year start. Additional resources are being utilised via agency staff and Civica resilience contractors to bring outstanding workloads up to date by the end of September, by which time we expect to be nearer to target
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HC003	HC003: Homeless Acceptances	Stephen Clarke	125 Number	44 Number	32 Number	132 Number	G				On target.
HC004	HC004: Homelessness cases prevented	Stephen Clarke	1,107 Number	345 Number	365 Number	1,100 Number	G				On target.
HP006	Total number of affordable homes completed in year	Stephen Clarke	20 Number	35 Number	35 Number	74 Number	G				7 social rent and 8 shared ownership flats completed at Dora Carr Close

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To: City Executive Board
Date: 16 Oct 2017
Report of: Head of Housing Services
Title of Report: Lucy Faithfull House

Summary and recommendations	
Purpose of report:	The report seeks approval to demolish Lucy Faithfull House and to agree that officers investigate the viability of making the site available to the Council's housing company (OCHL) for development.
Key decision:	Yes
Executive Board Member:	Councillor Mike Rowley, Housing Councillor Ed Turner, Finance and Asset Management
Corporate Priority:	Meeting housing needs An efficient and effective Council
Policy Framework:	None.
Recommendation(s): That the City Executive Board resolves to:	
<ol style="list-style-type: none"> 1. Authorise the demolition of Lucy Faithfull House. 2. Authorise officers to investigate the viability of undertaking the development of the site as outlined below with Oxford City Housing Limited (OCHL) as part of its overall development programme. 	

Appendices	
Appendix 1	Risk Register
Appendix 2	Initial Equalities Impact Assessment

Introduction and background

1. Lucy Faithfull House was a homeless hostel constructed on land leased by the Council in 1976, on a 99 year lease.
2. The building comprises of 61 beds, but is poorly configured for modern uses with small single bedrooms, shared bathrooms and kitchens, poor energy efficiency and a large and complicated internal layout. It is also in a poor state of repair.
3. In recent years, the property was operated by English Churches Housing Association, which was then brought into the Riverside Housing Group. In 2010/11, the housing management of the building was still operated by Riverside, but the County Council funded Two Saints Housing Association to provide support services. This funding ceased in Feb 2016 and the hostel decommissioned, as the County re-provided these bed spaces in a dispersed model, with different service providers. Since that time, some of the rooms in the building have been used for short term housing, for working people, under a guardianship model operated by a guardianship/ security company.
4. The full property interest was acquired in August 2017 by the City Council, as freeholder, for £450,000 to reflect the unexpired term of the lease.

Proposal

5. It has not been possible to identify a potential use for the current building that could attract sufficient revenue funding, offer value for money in terms of refurbishment and fully utilise the potential of this sizeable city centre site.
6. On 19th September 2017, the City Executive Board approved the draft Housing and Homelessness Strategy 2018-21 for consultation. Within this, the Council's strategy for rough sleeping and single homelessness is set out. This is based around early intervention and prevention approaches; ensuring suitable accommodation and support for people in housing crisis; and assistance to move-on. This includes a commissioning strategy that recognises the importance of collaborative partnership working, and includes the following:
 - Provision of an assertive outreach service to provide improved prevention, diversion and reconnection work (No First Night Out), with a rapid assessment focus (No Second Night Out) & personalised services (No Living on the Streets)
 - Ensuring a sufficient and appropriate mix of supported accommodation, with appropriate levels of support to match needs
 - Ensuring the provision of an effective pathway of accommodation and specialist housing (including the 'Housing First' model) to help people move on from hostels to permanent settled housing
 - Reducing evictions from supported housing, especially through more work with partners, including mental health services (No Return to the Streets)
 - Working in partnership to support clients to progress through the adult homeless pathway and to maintain settled accommodation with wrap around services, including training and employment initiatives, and effective floating support provision.

7. At the same meeting, the City Executive Board also agreed to recommission new homelessness support services from A2 Dominion, with a new hostel on an alternative site, with Simon House remaining partially open to provide temporary accommodation for homelessness clients for whom the City Council has responsibility, and to fund some additional complex needs provision with the Acacia project.
8. These additional services, in addition to those jointly commissioned between the County Council, Oxfordshire District Councils and the Clinical Commissioning Group; and those services already identified for direct funding by the City Council, are expected to meet the expected needs of Oxford City connected clients going forward, with over 150 bed spaces available in the pathway.
9. As such the Lucy Faithfull House site is not required for hostel provision and the recommended course of action is to undertake a demolition of the building and take the site forward for residential development. Due to competing pressures for the borrowing headroom in the Housing Revenue Account (HRA) to deliver priority regeneration schemes and the continued uncertainty over the impact of Government policy with respect to rent reduction and high value void levy and the ensuing negative impact on the HRA business plan it is considered the best option for the site is for it to be transferred to the Council's housing company to develop alongside the other schemes it is currently taking forward.
10. Some feasibility work has taken place on the site and it is believed that a development of between 40 and 50 apartments may be achievable subject to Planning. The Council would require the company to provide 50% of these homes as affordable housing.
11. Discussions will be held with OCHL to understand both the financial viability of the scheme and implications for the Company's existing development programme. On the assumption that OCHL agree the scheme in principal for inclusion in its development programme they will need to seek funding approval from the Shareholder group and a further report will be made to City Executive Board to outline the loan and associated capital and revenue implications for the Council.

Financial implications

12. The property has been acquired by the Council for the sum of £450,000 and demolition costs are estimated to be circa £300k against a budgetary provision in the Council's General Fund capital programme of £1 million.
13. Any loan provided would be state aid compliant and would be in line with previous loans offered to the housing company which generate a surplus in the General Fund for the Council.

Legal issues

14. There are no additional legal implications arising from this report.

Level of risk

15. Please see Appendix 1.

Equalities impact

16. Please see Appendix 2.

Report author	Alan Wylde
Job title	Housing Development and Enabling Manager
Service area or department	Housing
Telephone	01865 252319
e-mail	awylde@oxford.gov.uk

Background Papers: None

Appendix 1

Title	Risk description	Opp/threat	Cause	Consequence	Date Raised	Owner	Gross		Current		Residual		Comments	Controls				
							I	P	I	P	I	P		Control description	Due date	Status	Progress %	Action Owner
Costs of demolition are higher than anticipated	Detailed quotes are significantly higher than previous indications when they are received.	Threat	Various including presence of asbestos and competition for demolition contractors	Higher costs for Council	23/8/17	Stephen Clarke	2	2	2	2	2	1		Early engagement with Contractors and carrying out of asbestos survey to reduce provisional sums in bids.	16/10/17	Completed	100	Martin Shaw
Valuation mechanism may produce site value below the initial appraisal.	By adopting a mechanism to capture potential uplift in site value, final receipt may be lower than initial valuation.	Threat	Unexpected rise in development costs or drop in scheme value.	Less money available to pay Council for land	23/8/17	Stephen Clarke	2	1	2	1	1	1		Consider structuring deal that transfers more of this risk to the housing company.	16/10/17	Ongoing	50	Alan Wyld

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Appendix 2

Initial Equalities Impact Assessment

1. Within the aims and objectives of the policy or strategy which group (s) of people has been identified as being potentially disadvantaged by your proposals? What are the equality impacts?

No groups have been identified as being potentially disadvantaged by these proposals. The equality impacts will all be positive as the development of additional properties by the housing company will lead to the provision of further affordable housing for those who cannot access market housing.

2. In brief, what changes are you planning to make to your current or proposed new or changed policy, strategy, procedure, project or service to minimise or eliminate the adverse equality impacts?

Please provide further details of the proposed actions, timetable for making the changes and the person(s) responsible for making the changes on the resultant action plan

No changes are being considered.

3. Please provide details of whom you will consult on the proposed changes and if you do not plan to consult, please provide the rationale behind that decision.

Please note that you are required to involve disabled people in decisions that impact on them

Not applicable

4. Can the adverse impacts you identified during the initial screening be justified without making any adjustments to the existing or new policy, strategy, procedure, project or service?

Please set out the basis on which you justify making no adjustments

No adverse impacts identified

5. You are legally required to monitor and review the proposed changes after implementation to check they work as planned and to screen for unexpected equality impacts.

Please provide details of how you will monitor/evaluate or review your proposals and when the review will take place

No changes identified

HOUSING PANEL

13 NOVEMBER 2017- PROVISIONAL REPORTS

Agenda item	Decision	Description	CEB Portfolio	Report Contact
Housing performance - quarter 2	No	To consider mid-year Council performance against a set of housing service measures chosen by the Panel.	Housing	Stephen Clarke, Head of Housing Services
Tenant Involvement	No	Joint session with the Tenant Scrutiny Panel to consider how tenants are involved in decisions that affect them.	Housing	Simon Warde, Tenant Involvement Manager
Void property management	No	To consider tenancy management functions including the management of void properties and changes to the management of issues in sheltered housing schemes.	Housing	Bill Graves, Landlord Services Manager
Rent performance	No	To monitor the Council's rents performance including current and former tenant arrears.	Housing	Tanya Bandekar, Service Manager Revenue & Benefits
Impact of the Homelessness Reduction Act 2017	Yes	To set out the implications of the new Homelessness Reduction Act 2017 and any changes required to current service delivery or any potential impact on the Council's Medium Term Financial Plan.	Housing	Dave Scholes, Housing Strategy & Needs Manager

8 MARCH 2018 - PROVISIONAL REPORTS

Agenda item	Decision	Description	CEB Portfolio	Report Contact
Housing performance - quarter 3	No	To consider a report on Council performance against a set of housing service measures chosen by the Panel.	Housing	Stephen Clarke, Head of Housing Services
Allocation of Homelessness Prevention Funds in 2018/19	Yes	To agree the allocation of the homelessness prevention funds with the purpose of meeting the objectives of the homelessness strategy. Funding is recommended to services/projects working to prevent and/or tackle homelessness and rough sleeping.	Housing	Nerys Parry, Rough Sleeping and Single Homelessness Manager

9 APRIL 2018 - PROVISIONAL REPORTS

Agenda item	Decision	Description	CEB Portfolio	Report Contact
Great Estates update	No	To receive an update on progress made in developing masterplans for estates and working up and delivering a rolling programme of priority improvement schemes.	Housing	Stephen Clarke, Head of Housing Services
Empty garages and former garage sites	No	To receive an update on how the Council is dealing with empty garages and former garage sites.	Housing	Martin Shaw, Property Services Manager

HOUSING PANEL - TO BE SCHEDULED

Agenda item	Decision	Description	CEB Portfolio	Report Contact
Tenant satisfaction	No	To monitor tenant satisfaction survey results.	Housing	Bill Graves, Landlord Services Manager
Leaseholder relationships	No	To consider Council relationships with leaseholders including the views of individual leaseholders.	Housing	Stephen Clarke, Head of Housing Services
Building the housing for the future	No	To consider the need to build homes fit for the future and the need to provide accommodation for the increasing older population with compound needs including dementia.	Housing	Frances Evans, Strategy & Service Development Manager
Oxford City Council's Tenancy Strategy & Policy Statement 2018	Yes	To request CEB approval to go out to public consultation on the draft Tenancy Strategy	Housing	Frances Evans, Strategy & Service Development Manager
Impacts of absent owners on housing availability	No	To consider the impacts of foreign investors and other absent owners on housing availability in the city.	Housing	Stephen Clarke, Head of Housing Services
Flexible tenancies	Yes	To pre-scrutinise any decisions on the local implementation of government plans to prevent local authorities in England from offering secure tenancies for life to new council tenants in most circumstances.	Housing	Bill Graves, Landlord Services Manager

HOUSING PANEL (PANEL OF THE SCRUTINY COMMITTEE)

Monday 11 September 2017

COUNCILLORS PRESENT: Councillors Goff, Henwood (Chair), Pegg, Sanders and Thomas.

OFFICERS PRESENT: Frances Evans (Strategy & Service Development Manager), Dave Scholes (Housing Strategy & Needs Manager) and Andrew Brown (Scrutiny Officer).

BOARD MEMBER PRESENT: Councillor Mike Rowley (Housing).

GUESTS PRESENT: Sue Jackson (Oxford Street Population Outreach Team), Neo, Sgt. Peter Neale (Thames Valley Police) & PC Paul Arnold (Thames Valley Police).

112. APOLOGIES

Apologies were received from Councillor Liz Wade and Stephen Clarke (represented by Dave Scholes).

113. DECLARATIONS OF INTEREST

None.

114. APPOINTMENT OF A TENANT AS A CO-OPTED MEMBER OF THE HOUSING PANEL

The Panel resolved to co-opt Geno Humphrey for the remainder of the 2017/18 Council year.

115. DRAFT HOUSING AND HOMELESSNESS STRATEGY 2017-2022

The Strategy and Service Development Manager introduced the report and highlighted the five key strategic aims and priorities. She said there will be a six week consultation running from 21 September to 3 November 2017 and various stakeholders will be engaged in a variety of ways. The Council would be actively targeting hard to reach groups and going out to engage with them at their own meetings.

The Board Member for Housing added that the Council could not solve the housing crisis in the city and needed to work with a range of partners. The Council was making strong representations to government about national housing and homelessness policies and funding.

The Chair invited the external guests to speak to inform the Panel's deliberations on the strategy and the two subsequent items.

The Service Manager of the Oxford Street Population Outreach Team (SPOT) addressed the Panel. She said that her team was fully funded by the City Council and included seven outreach workers who worked within the parameters set by the Council, its partners and government. They worked on the basis that rough sleeping was harmful and dangerous and was not a safe option for people, so all other options would be explored. Rough sleepers had very differing needs that had to be considered on an individual basis. As such it was not helpful or accurate to describe rough sleepers as being a 'community'. There had been a significant increase in the numbers of people sleeping rough in Oxford, with about 25 new arrivals per month. The Council was looking creatively at options which St. Mungo's had some experience of from Bristol, Brighton and Reading. She welcomed Council initiatives such as looking to utilise empty buildings as shelters.

A homeless person known as Neo addressed the Panel. He said that in his view the numbers of rough sleepers had been under-stated but he agreed that the numbers of new rough sleepers were increasing, with a number of recent new arrivals coming from Banbury. These people had complex issues and there was a need to break down barriers and build their trust but the approach taken by Outreach was too heavy-handed. The local connection policy was a big issue because some rough sleepers had been in the city for a long time now and were clearly not going anywhere and needed more help. It was now starting to get cold, which would lead to increased alcohol and drug use as rough sleepers struggled to cope. There were not enough beds in the city and although the churches were coming together to provide ten extra beds, rough sleepers needed somewhere warm they could go 24 hours a day. He said he was looking to open a shelter and had volunteers, some money and public support but needed a building.

Sgt. Peter Neale addressed the Panel. He said that there were massive vulnerabilities associated with rough sleeping and the feelings of hopelessness people felt, including addiction, debt and human exploitation. As it got colder, more drugs and alcohol would be consumed, resulting in ancillary crimes such as shoplifting and thefts, begging and used syringes being left in public places. The police tried to minimise the impacts on the public and to push rough sleepers towards Outreach and other support services. The police had a welfare-based system for dealing with begging, with people given three warnings before civil or criminal options were considered. The police had a homeless liaison officer in their problem solving team who was visible in the city centre and sometimes out until 4am.

In discussion and in answer to questions the Panel noted the following:

- The Council wanted to engage with service users and people like Neo, as well as stakeholder representatives, and they could provide their views confidentially.
- The consultation survey would be available online but paper copies could be provided on request and people could phone in with their views. There would also be posters in community centres, leaflets, etc., and focus groups based around the survey questions.
- Services were in place to support rough sleepers and this support was made clear to them but people needed to want to engage and seek help.

- Problems with drug use were societal not specific to homeless people and required a range of solutions including addition support, police operations targeting dealers and help for people to repair their circumstances.
- There was an issue with dealing with people who wanted to sleep rough given that the 1824 vagrancy act was very outdated and there was a work stream to investigate this.
- Combining the three strategies was more efficient but it was important that specific issues did not get lost.
- People could report empty properties online and the Council took a staged approach to bringing them back into use. There was also a county-wide officer group.
- The Council was broadly aiming to provide the same level of service despite financial pressures from rent reductions but was taking a more innovative approach.
- There was a backlog of assessments for home adaptations from Occupational Therapy and an increasing number of cases of people having changing and complex needs.
- While the Council owned 62 5-bed and 392 4-bed homes, mostly in the city, only around 12-15 of these became available each year.

The Panel welcomed the Strategy and agreed to make the following recommendations to the City Executive Board:

1. That leaflets promoting the consultation are provided to elected members and that paper copies of the survey are also made available to members.
2. That consideration is given to how the Council engages with rough sleepers and service users on the strategy and other issues that affect them, including the option of forming a 'service user group'.
3. That as part of Empty Homes Week the Council promotes the issue of empty homes and its online reporting tool.
4. That the final documentation should include:
 - a. Some explanation in the evidence base as to why 13 Council-owned dwellings were long-term empty as of 1 April 2017.
 - b. Some recognition that combining the three strategies and holding one consultation saved officer time and some costs.
 - c. Some mention of learning points from the previous strategies as well as successes.

116. OPTIONS PAPER ON ADDITIONAL HOMELESSNESS PROVISION FOR THE CITY

The Housing Strategy and Needs Manager said that county council budget cuts were significantly impacting the provision of homelessness accommodation in the city. The Council had identified a need for 150 beds to meet ongoing needs and the report was seeking to deliver the shortfall. The Council was close to securing an agreement for 22 new units of accommodation with 24 hour support for people with complex needs and would be seeking planning consent before Christmas. This scheme could also include 15 units of move on accommodation which would help to alleviate a blockage. In the meantime the Council was seeking to ensure that half the beds at Simon House remained available for a further year. Approval was also being sought for a further 5 units of accommodation for rough sleepers with mental health and addition issues.

In discussion the Panel noted:

- The expansion of the 'Housing First' model (Acacia Housing) was very welcome.
- Some concern about the choice of A2 Dominion as a development partner based on their responsiveness to existing tenants, although they were relocating their Oxford office to be closer to more of their tenants.
- The issue of homeless people moving on into private sector housing was very difficult and the Council was continuing to use a range of different and innovative strategies to address this.
- The Council had little leverage with landlords to encourage them to make properties available for move on accommodation and any carrots the Council could offer became less effective as rents continued to rise.
- A future report would be presented to members on options for the future of Simon House, which could involve linking it with other sites to maximise the viability of affordable housing.

The Panel endorsed the recommendations and agreed to request more information about the Age UK Oxford Homeshare project, which matches older people who have a spare room with a younger person who needs affordable accommodation.

117. THE USE OF EMPTY BUILDINGS AS TEMPORARY ACCOMMODATION FOR HOMELESS PEOPLE

The Housing Strategy and Needs Manager said that the report responded to a Council motion and did not propose any definite actions at this stage but provided an update on work that was continuing. The report identified three types of scheme that might be viable. There were some empty premises in the city but discussions with landlords aimed at utilising these had not produced any results to date. The Council had an active work plan and if opportunities did arise then the Council would act but this route may be a dead end.

In discussion the Panel expressed some disappointment that no buildings had been found for any schemes and noted that:

- The greatest need in the city was for additional severe weather emergency provision. Plan B was to utilise community and sports centres at night but the Council would prefer a dedicated space.
- There were some 300 homes in the city that had been empty for over 2 years and about 70 that had been empty for over 10 years. The Council had sought to bring these back in to use but this was not easy to do.
- Commercial properties were likely to be more suitable than residential properties for homelessness provision but it was also very challenging to bring these back into use.
- The Council and its partners were relatively successful at engaging with new rough sleepers.
- Organisations in the homelessness pathway could exercise some discretion where people had no local connection in certain circumstances.
- The future of Lucy Faithful Housing would be the subject of a report to members in the near future.

The Panel endorsed the recommendations and agreed to request a verbal update in 6 months' time.

118. HOUSING PANEL WORK PLAN

Noted.

119. NOTES OF PREVIOUS MEETING

Agreed.

120. DATE OF NEXT MEETING

Noted.

The meeting started at 5.00 pm and ended at 7.00 pm

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