

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

INDEX	1
1. EXECUTIVE SUMMARY.....	3
2. BACKGROUND and REGIONAL PICTURE.....	4
3. SOURCES OF INFORMATION.....	6
4. STRATEGIC AIMS AND KEY PRIORITIES.....	7
5. CAPITAL RESOURCES.....	8
6. SUMMARY OF TYPES OF ASSISTANCE.....	9
A Essential Repairs Assistance.....	10
B Flexible Home Improvement Loans.....	12
C Small Repairs Scheme.....	13
D Property MOT	14
E Home Energy Survey.....	14
F Residential House Boats.....	14
G Mobile Homes.....	14
H Enforcement.....	15
I Relocation Assistance.....	15
J Discretionary Disabled Facilities Grant.....	17
7. ADMINISTRATION.....	17
A How to Apply for Assistance.....	17
B Grant Conditions.....	18
C Key Service Standards.....	18
D Complaints Procedure.....	19
E Formal Complaints Procedure.....	20

F	Applications for assistance that fall outside the Policy (Exceptional Circumstances).....	20
G	National and Local Performance Indicators.....	20
8.	POLICY IMPLEMENTATION PLAN.....	21
9.	FUTURE ACTION PLAN.....	21
	APPENDIX 1 - The Decent Homes Standard	
	APPENDIX 2 - Definitions within the Policy	

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'	<p>Includes individuals and households falling within the following groups:</p> <p>Those with disabilities (including physical disability, infirmity, frailty, mental health problems and learning disabilities);</p> <p>low income groups (including the elderly (over 60's) and families with children (under 16 years of age) ;</p> <p>households in fuel poverty.</p> <p>young People (under 25 years of age);</p> <p>adults in rehabilitation;</p> <p>those whose need for immediate assistance to prevent injury or harm outweighs their ineligibility for assistance on other grounds.</p>
'Works in Default'	<p>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.</p>
'Working Days'	<p>Means days excluding Saturday, Sundays, Bank and Public Holidays.</p>

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