

Private Sector Housing Grants Policy

April 2024

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Introduction

This policy is designed to assist the most vulnerable people living in the Private Sector. There are strong links between poor housing conditions and poor health; and poor housing disproportionately affects vulnerable people who do not have the necessary resources to keep their homes in good repair, or who require adaptations or alterations to allow them to continue living at home.

This Policy is written in accordance with The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002, the Housing Grants, Construction and Regeneration Act 1996, and the Housing Act 2004 and details how the grant budget will be used by Charnwood Borough Council addressing these issues and meeting local needs.

The Policy aims to:

- Increase the number of vulnerable people who are able to live independently at home.
- Reduce the number of vulnerable households living in homes that pose an imminent risk to their health and safety.
- Increase the number of empty homes that are brought into use, particularly accommodation that can be used to reduce homelessness.

Charnwood Borough Council will consider all grant applications on their merits and each case will be assessed to ensure that:

- All available options have been fully explored.
- Assistance through other means is not reasonably available or practicable.
- The Council has the resources required available (excluding applications for Mandatory Disabled Facilities Grants).

The Policy provides the details of the Private Sector Housing Grants available, eligibility criteria, maximum amount of the grant available and how they will be calculated and the terms and conditions that are applied to each grant and in what circumstances any grant awarded may have to be repaid.

Eligibility

The Private Sector Housing Grants eligibility criteria apply to all applications for grant assistance contained within this Policy.

The eligibility criteria is as follows:

- Applicants must be 18 years of age at the date of the application, and
- Applicants must have an owner's interest in the dwelling (other than an interest by virtue of being a Registered Provider (formerly Housing Association), or be a tenant or licensee of the dwelling with a tenancy or licence permitting occupation of the dwelling for a minimum of 12 months after approval of the housing grant (this may differ in respect of Disabled Facilities Grants), and
- Applicants must have the power or duty to carry out the works and where appropriate have the owners' consent in writing to carry out the works (excluding Home Safety Grants), and
- Applicants must satisfy such tests of resources as the Council has in place, and
- Applicants must not be ineligible, by virtue of the Housing, Grants, Construction and Regeneration Act 1996, regulations made under the Act, or any other enactment.

The Council is unable to provide assistance to all residents given the limited resources available. In reviewing the grants provided by the Council, consideration has been given to those residents in most need of assistance, their current situation and financial circumstances.

Details of the grants that the Council may offer are provided below and are subject to the Terms and Conditions set out in Appendix 1.

The Council awards Mandatory Disabled Facilities Grants in accordance with the legislation (Housing Grants, Construction and Regeneration Act 1996, as amended by the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 and guidance issued by Government which determines, amongst other things, the type of work that can be funded, the maximum amount of grant, and the test of financial resources that must be made.

Discretionary grants are subject to the levels of available funding in each financial year and the Council reserves the right to defer approval, or even consideration of applications, for periods of time in order to award grants within the budgets available.

The Council will offer the following Discretionary Grants:

- Discretionary Disabled Facility Grants
 - Relocation
 - Minor Works
 - Exceptional Circumstances
- Home Repair Grants
- Home Safety Grants
- Energy Company Obligation Top up Grants
- Partnership Grants.

Mandatory Disabled Facilities Grants

The Council will award a Mandatory Disabled Facilities Grant where applications meet the criteria below and are in accordance with the relevant legislation.

Who qualifies for a Mandatory Disabled Facilities Grant?

- An owner, tenant, licensee or occupant (see definitions in Appendix 2) where adaptations are required to meet the needs of a disabled occupant living in the property to enable them to continue living there.
- For those disabled occupants in receipt of:
 - Universal Credit (excluding awards of £0.00)
 - Income Support
 - Income-based Employment and Support Allowance (not contribution based)
 - Income-related Jobseeker's Allowance (not contribution based)
 - Guaranteed Pension Credit (not Savings Pension Credit alone)
 - Working Tax or Child Tax Credit with income of £15,050 or less
 - Housing Benefit
 - Council Tax Support.

At the time the application is made, their contribution towards the Disabled Facilities Grant will be Nil. Full entitlement is available for eligible works up to the grant maximum.

- For those disabled occupants not in receipt of one of the benefits listed above, a test of resources must be carried out in order to assess the amount, if any, that the applicant must contribute towards the cost of the works. Documentary evidence must be provided to support the information provided about all sources of income and all savings.
- Parents of disabled children are not means tested for applications for Mandatory Disabled Facilities Grants. Full entitlement is available for eligible works up to the grant maximum.

Eligible works may include:

The purposes for which a Mandatory Disabled Facilities Grant may be given are set out in section 23 (1) of the 1996 Act and fall into a number of categories:

- Facilitating access to and from the dwelling (which can include a qualifying houseboat, park home or, in the case of a flat, the building in which the flat is located) for example via a ramp or work to the threshold and associated doors.
- Facilitating access to a room used or usable as the principle family room.
- Facilitating access to a room used or usable for sleeping, or alternatively providing such a room for the disabled occupant, for example, a stairlift.
- Facilitating access to a room in which there is a WC, a bath or a shower (or both) and a wash basin or providing a room in which there is such a facility. For example, a level access shower or over bath shower or a washing WC where self-hygiene cannot be achieved satisfactorily. Facilitating the use by the disabled occupant of such facility.
- Facilities for the preparation and cooking of food by the disabled occupant where appropriate, for example, lowering worktop or sockets.
- Making the dwelling safe, for example, through the provision of an enhanced alarm system for those with hearing difficulties, or where a disabled person has behavioural problems, minimising the risk of harm through appropriate adaptations.
- Improving any heating system within the dwelling or providing a heating system to meet the needs of the disabled occupant, for example, the provision of heating to rooms used by the disabled occupant - the main living room, bedroom and bathroom.
- Facilitating the use by the disabled occupant of a source of power, light, or heat, for example, by altering the position of one or more means of access to or control of that source or providing additional means of control.
- Facilitating access and movement by the disabled occupant around the dwelling in order to care for another person who normally resides there and is in need of such care, for example, to provide access to an area that the disabled occupant would not normally need access to, but which is used by a person to whom they are providing care.
- Facilitating access to the garden for a disabled occupant.

In considering an application, the Council must be satisfied that the relevant works are necessary and appropriate to meet the needs of the disabled occupant and that it is reasonable and practicable to carry out the relevant works having regard to the age and condition of the dwelling.

Leicestershire County Council Adult or Children's Social Care (Occupational Therapists) will be consulted when the above criteria is being considered.

Grant amount

The maximum grant available is £30,000.

Repayment conditions

In the case of a Mandatory Disabled Facilities Grant for an owner occupier where the grant exceeds £5,000, the Council will demand repayment of the amount of grant in excess of the first £5,000 (up to a maximum of £10,000 in total) if the property is disposed of in any way or the property is occupied other than by the disabled person within the grant condition period (10 years from the date that the works are certified).

The Council reserves the right to monitor grant commitment and expenditure at all times and will prioritise the provision of Mandatory Disabled Facilities Grants.

Discretionary Disabled Facilities Grants

The Council will consider applications for Discretionary Disabled Facilities Grants subject to the national test of resources used for Mandatory Disabled Facilities Grants.

These include grants for:

- Relocation
- Minor Works
- Exceptional Circumstances.

Relocation Grant

The Relocation Grant is to assist people with the costs of moving into suitable accommodation, where there is no possibility of appropriate modification to the existing home through a Mandatory Disabled Facilities Grant.

Who qualifies for a Relocation Grant?

- Those who have been assessed for a Mandatory Disabled Facilities Grant to adapt their current home, where modifications have not been possible.
- Applicants (including Child Cases) are subject to a test of resources (see details on page 5 under 'Who qualifies for a Mandatory Disabled Facilities Grant').

Eligible costs may include:

- Removal costs
- Stamp duty
- Legal and estate agent fees.

Grant Amount

The maximum grant available is £10,000.

Repayment Conditions

There will be no repayment conditions.

Minor Works

The Minor Works grant is to assist applicants to fund works that are not eligible under a Mandatory Disabled Facilities Grant but have been deemed necessary to facilitate independent living.

Who qualifies for a Minor Works Grant?

- Applicants who have been assessed for a Mandatory Disabled Facilities Grant, where non eligible works have been identified and deemed necessary.
- Applicants (including Child Cases) are subject to a test of resources (see details on page 5 under 'Who qualifies for a Mandatory Disabled Facilities Grant').
- Applicants in Child Cases who are in receipt of a maximum Mandatory Disabled Facilities Grant, which includes the funding of a lift, specialist WC or ceiling track hoist will qualify for extended warranty (additional 3 years) funding under this category without completing a test of resources.
- Applicants who have been assessed by the Hospital Discharge Team, where essential works have been identified to facilitate discharge (a test of resources will not apply in these circumstances for grants up to the value of £5,000)
- Applicants with a diagnosed permanent and substantial mental health condition or learning disability, assessed as requiring alterations to assist them to remain living in their property independently.

Eligible works may include:

- Works recommended by an Occupational Therapist or Housing Support Coordinator deemed at the discretion of the Council to be reasonable and practicable, necessary and appropriate to facilitate independent living, for example, works outside the boundary of the property to provide safe access to and from the home as part of a Mandatory Disabled Facilities Grant.
- Funding for the inclusion of an extended warranty (additional 3 years) for equipment provided through a Mandatory Disabled Facilities Grant e.g. stairlift, through floor lift, step lift, specialist WC or ceiling track hoist.
- Works to facilitate discharge from hospital, including, but not limited to, module ramping/suitcase or folding ramps or cleaning and clearing to provide sufficient safe space for hospital discharge.
- Cost effective alterations to meet the needs of those with a diagnosed mental health condition or learning disability requiring alterations to assist them to remain living safely in the home eg alterations to the home to make it safer for someone with dementia.

Grant Amount

The maximum grant available is £10,000.

Repayment conditions

There will be no repayment conditions.

Exceptional Circumstances Grant

The Exceptional Circumstances Grant is to assist applicants to fund works that exceed the £30,000 Mandatory Disabled Facilities Grant limit but have been deemed necessary to facilitate independent living (such cases will be referred to a Senior Officer for consideration and if approved will require final authorisation from the Head of Strategic Housing).

Who qualifies for an exceptional circumstances grant?

- Applicants who have been assessed for a Mandatory Disabled Facilities Grant, where the cost of works is in excess of £30,000 and the applicant and or disabled occupant are considered to be in financial hardship.
- Applications for an Exceptional Circumstances Grant in respect of child cases will be subject to a test of resources.

Eligible works may include:

- Work identified as eligible under the Mandatory Disabled Facilities Grant where the total cost is in excess of the maximum mandatory grant.
- Eligible works for a Minor Works Grant, where identified, may be included in an Exceptional Circumstances Grant, subject to the maximum grant (a Minor Works Grant will not normally be awarded in conjunction with an Exceptional Circumstances Grant).

Grant amount

The maximum grant available is £30,000.

Repayment conditions

There will be no repayment conditions.

Home Repair Grants

Home Repair Grants are to assist vulnerable applicants to carry out remedial works to their homes where there is a Category 1 Hazard present as determined by Part 1 of the Housing Act 2004.

Who qualifies for a home repair grant?

- Vulnerable owner-occupiers and qualifying tenants (where the tenant has a duty to carry out the works).
A vulnerable person for the purposes of the grant is defined as:
 - A person living with a chronic or severe illness, frailty or disability (evidence is likely to be sought); or
 - A person over the age of 60; or
 - A person with children under 16 (living permanently with them)And in receipt of one of the following benefits:
 - Income Support
 - Income based Jobseekers Allowance (not contribution based)
 - Income related Employment Support Allowance (not contribution based)
 - Guaranteed Pension Credit
 - Working Tax Credit with an income of £16,385 or less
 - Child Tax Credit with an income of £16,385 or less
 - Universal Credit (excluding awards of £0.00)
 - Housing Benefit
 - Council tax support
- The applicant must have occupied the property for a minimum of 1 year prior to the application date.
- Only one Home Repair Grant will normally be awarded within any 5 year period
- Where Category 1 Hazards (as determined by Part 1 of the Housing Act 2004) are present and have been identified by a Housing Standards Officer following a Housing Health and Safety Rating System assessment.

Eligible works may include:

- Essential repairs to the external structure of the dwelling likely to present a significant risk to the occupant or passers by.
- Other works to the fabric of the building to remove a significant risk to the occupier or passers-by.
- Work to replace a failed and unrepairable installation for the supply of hot water or heating (only in cases where the applicant is not eligible for a grant under any other available scheme)
- Replacement or repair of leaking water service pipes for which the applicant is responsible.
- Replacement of dangerous gas piping.
- Replacement of failed or dangerous electric wiring.
- Replacement of defective drains for which the applicant is responsible.
- Replacement of unhygienic or unusable sink, WC, bath or wash hand basin.
- The grant will not cover routine maintenance work, for example, replacement windows.

Grant amount

The maximum grant available is £15,000.

Repayment conditions

There will be no repayment conditions.

Eco Top Up Grant

Energy Company Obligation (ECO) is a Government scheme aimed at tackling fuel poverty. The scheme focuses on the installation of insulation and replacement boilers. The ECO Top Up Grant is to assist applicants to cover the client contribution towards the cost of the works.

Who qualifies for an ECO Top Up Grant?

- Owner occupiers and qualifying tenants (where the tenant has a duty to carry out the works) who have qualified for an ECO Grant (or similar assistance such as Home Upgrade Grant, Boiler Upgrade Scheme, Great British Insulation Scheme) but that have a contribution to make towards the cost of the works.
- Those wishing to apply for an ECO Grant (or similar financial assistance) can find out more information at www.leicestershire.gov.uk/leisure-and-community/community-schemes-and-funding/energy-efficiency-grants.

Eligible work may include:

- Home Insulation Measures
- Solar PV Panels
- Replacement Central Heating Boilers.

Grant amount

The maximum grant available is £2,000 (the grant will cover the client contribution towards the cost of the works up to the maximum grant amount).

Repayment conditions

There will be no repayment conditions.

Home Safety Grants

Home Safety Grants are to assist applicants who are elderly, infirm or have a disability and who are deemed to be at risk to connect to a Community Alarm Service, or for the installation of appropriate home security or safety measures (which may include remedial works).

Who qualifies

- Homeowners, private leaseholders and tenants in receipt of one or more of the following benefits
 - Income Support
 - Income based Jobseekers Allowance (not contribution based)
 - Income related Employment Support Allowance (not contribution based)
 - Guaranteed Pension Credit
 - Working Tax Credit with an income of £16,385 or less
 - Child Tax Credit with an income of £16,385 or less
 - Universal Credit (excluding awards of £0.00)
 - Housing Benefit
 - Council tax support
- Only one Home Repair Grant will normally be awarded within any 3 year period.

Eligible works may include:

- Connection to a Community Alarm Service and or Assistive Technology
- Installation of appropriate home security or safety measures (which may include remedial works e.g. the clearing and cleaning of homes that are impacting on the safety of the occupant) where the applicant is deemed to be at risk.

Grant amount

The maximum grant available is £5,000.

Repayment conditions

There will be no repayment conditions.

Partnership Grants

Partnership Grants are to encourage the owners of empty homes to bring their properties back into use and increase the availability of housing for households who are homeless or at risk of becoming homeless.

Who qualifies for a partnership grant?

- Applicants who have not previously received a Partnership Grant
- The empty home must have been empty for a minimum of 1 year on the date of application.
- In exceptional circumstances, for example where there has been an unforeseen natural disaster or emergency situation, where the property has not been empty for 1 year but the owner has run out of funds and requires part funding to complete the works, the council will consider providing a partnership grant to enable an empty home to be brought back into use (such cases will be referred to a Senior Officer for consideration and if approved will require final authorisation from the Head of Strategic Housing).
- In all cases applicants must agree a sign a Nomination Rights Agreement prior to grant approval, permitting the Council to nominate tenants to the property for a period of time, as shown in the below table:

Value of Partnership Grant Awarded	Nomination Rights period (years)	Available for Private Renting period (years)	Total period property is available for renting (years)
Up to £5,000	1	1	2
£5,001 – £10,000	2	1	3
£10,001 – £15,000	3	2	5

Eligible works may include:

- The property must be brought up to a lettable standard, free from Category 1 Hazards.
- The council will draw up a schedule of works to be undertaken to achieve this.

Grant amount

The maximum grant available is £15,000 (the grant will be 50% of the cost of the works required on the Partnership Grant Schedule of Works up to the maximum grant amount).

Repayment conditions

- The property must be available to let in accordance with the Nomination Rights Agreement for a period of time as in the above table.
- The grant must be repaid in full if the dwelling is not let, or available for letting, for the time specified in Table 1 upon completion of works, in accordance with the Nomination Rights Agreement.

Resources and Monitoring

Resources

Delivering the Private Sector Housing Grants Policy

Funding for Disabled Facilities Grants in England is channelled into the Better Care Fund which consists of pooled resources from a number of sources. One of the aims of the Better Care Fund is to achieve improved integration of care and support services. A proportion of the Better Care Fund is transferred to Charnwood Borough Council to fund Disabled Facilities Grants, helping to support the national aims for the fund, including the prevention of unnecessary hospital admissions and reducing the delayed transfer of care when people are ready to leave hospital.

The Council contributes to the cost of the Discretionary Private Sector Housing Grants from the General Fund. The funding is allocated each year to help to achieve the aims of the Private Sector Housing Grants Policy and the Empty Homes Strategy.

In addition, the Council may utilise funding from Central Government or other sources aimed at specific issues or to target issues of local and national concern in accordance with any special conditions, for example, the replacement of inefficient boilers.

Monitoring

Performance Monitoring and Review

The Policy will be monitored and reviewed on an annual basis or more frequently as changes in legislation, including benefits entitlement, may dictate.

Minor changes which make no significant difference to service provision will be made to the document under delegated authority by the Head of Strategic Housing in consultation with the Lead Member for Strategic Housing.

Should the Policy be impacted by significant changes or financial implications, it will be taken to Cabinet for consideration.

Appendix 1

Grant Terms and Conditions

The Terms and Conditions will be applicable to all elements of the Private Housing Grants Policy, except where otherwise stated. Legislation applicable to Mandatory Disabled Facilities determined by central government is also followed by the Council.

Applications

- In making an application for a grant, when applicants sign the application form, they are agreeing to all the terms and conditions as detailed by the Council.
- In all cases (excluding Partnership Grants), the property must be the usual place of residence of the applicant at the time of application, including dwellings, mobile homes and houseboats.
- Information provided to the Council by applicants as part of the application process will be checked thoroughly and may be shared with other departments of the Council and other organisations involved in any aspect of handling public funds to prevent and detect fraud or in investigation of other possible criminal activities.
- Applications or enquiries will only be accepted on the prescribed forms of the Council.
- Proof of title may be required to enable property ownership to be confirmed, and consent of any mortgagee may be needed.
- An application for a Disabled Facilities Grant will only be considered complete and then processed when it is accompanied by an Occupational Therapist's, or a Housing Support Coordinator's report recommending the necessary works. It would be normal and beneficial for such a report to be provided at the commencement of the enquiry/application process.
- An application for a grant towards works that have already been completed will not be processed. Any part of works not commenced, which would otherwise have been considered for a grant may be processed for a possible grant as long as that work is not commenced prior to formal approval.
- Applications from tenants for a Discretionary Home Repair Grant must be from qualifying tenants who according to the terms of their lease/tenancy agreement are responsible for the work for which a grant is being sought.

- An application for a Partnership Grant will not be approved if the applicant has previously received Partnership Grant funding for any property (including the property to which the application relates) within the Borough.
- The Council may refer enquiries for a grant to First Contact Plus or other external agencies where an alternative, appropriate source of funding may be available.
- Except in exceptional circumstances, where a Home Repair Grant has been paid, no further grant shall be considered for a period of 5 years from the date of payment.
- Grants will only be approved for the benefit of applicants who are able to provide evidence of a valid National Insurance Number.
- Discretionary Grants are subject to the levels of available funding in each financial year and the Council reserves the right to defer approval, or even consideration of applications, for periods of time in order to award grants within the budgets available.
- In considering applications for the benefit of people with disabilities the Council may choose not to grant aid adaptations for which County Council Social Services are responsible under the Chronically Sick and Disabled Persons Act 1970.
- There is no appeal route against the outcome of 'means testing' although calculations can be rechecked on application to the Private Housing Manager.

Estimates, Payments and the Works Undertaken

- Estimates and or quotations from a family member (includes spouses, persons who live together as husband and wife, parents, grandparents, children, grandchildren, brothers, sisters, uncles, aunts, nephews and nieces) of the applicant must be clearly identified as such by the applicant and must be made on the basis of materials only and not include labour costs.
- If an applicant submits an estimate and or quote from a member of their family who then carries out the agreed works the grant will only be paid on the basis of the cost of materials and not labour.
- It is the applicant who employs the builder to undertake the agreed works and the Council has no contractual liabilities in that relationship as its role is only to administer the grant process.
- The applicant is ultimately responsible for ensuring the quality of the completed works; the responsibility can be passed on to an agent of the applicant, e.g. an architect or a Home Improvement Agency.

- The Council will not undertake works on behalf of applicants, except where works may be due in default of an owner's, tenant's etc. failure to comply with a statutory notice.
- The Council or its agents will hold final authority to determine what works are included on grant schedules although it is acceptable for owners, tenants or their agents etc. to draw up initial schedules of work which may be reduced or added to by the Council in terms of work qualifying for a possible grant.
- The responsibility to gain all necessary approvals for works to be undertaken with grant aid rests with the applicant or their agent, such approvals may be Planning Permission or Building Regulation Approval or any of the matters raised within the terms and conditions of the grant.
- Ongoing maintenance and repair of completed works and adaptations provided under a grant will become the responsibility of the applicant or landlord as relevant.
- The amount of grant payable shall be the actual cost of undertaking the works plus any reasonable associated fees less any applicant contribution etc. up to the total value of the grant approved. Additional funding will only be provided above the original approval level in the event of unforeseen work being needed to allow completion of eligible works or associated works of a nature to protect the health and safety of occupiers. A formal re-approval will be required before any payment above the originally approved level is paid. The additional work shall not be carried out before the Councils' consent has been obtained. Maximum grant limits will still apply.
- All payments shall be conditional upon receipt of an acceptable invoice and will be made direct to the appropriate contractor following agreement with the applicant that works to the appropriate stage have been satisfactorily completed.
- Where the approved work has not been carried out to the satisfaction of the applicant, the Council may, at the request of the applicant and if it considers it to be reasonable, withhold payment.
- The Council will include the cost of preliminary or ancillary services fees and charges within the calculation of the grant, each submission of fees will be individually considered for reasonableness. The payment of any such fees is conditional on a grant being approved and the completion of all specified works, otherwise the Council will not be held responsible for any fees incurred before or after approval.

- The Council will consider requests for interim payments such that no interim payment will be for more than 90% of the cost of completed work and in aggregate no more than 90% of the total approved amount before final completion.
- The payment of any grant approved will only be considered after any applicant's contribution has been accounted for in the value of invoices submitted.
- The grant works must be carried out by the contractor on whose estimate/quote, submitted as part of the application process, the grant approval is based (usually the lowest priced estimate/quote). Where previously agreed by the Council and subject to receipt of a satisfactory estimate, the Council may allow the work to be carried out by an alternative contractor.
- Where the Council believes that the likely cost of work will be less than £1000, one estimate only will be required, and in other cases a minimum of two must be provided. If one estimate only has been required and the cost significantly exceeds £1,000, a further estimate may be required. The Council reserves the right to ask for more estimates/quotes if it is not happy with those submitted or to accept a single quote where two would normally be required for work from specialist contractors. The Council may seek evidence as to the background and trading practices of any contractor.

Cancellation, Withdrawal and Repayment

- The time allowed for the grant works to be completed will be 12 months from the date of the approval document. In exceptional circumstances, this may be extended at the discretion of the Council. Such agreement must be requested in writing no later than 11 months from the approval date.
- If the applicant or, in the case of a disabled facilities grant, the disabled person should die before the grant is approved, the application shall be treated as withdrawn.
- If after approval is issued but before the grant works are certified by the Council as being complete, your circumstances change or are found to be different from those stated in your grant application to such an extent that approval of the Grant would no longer be given, then the Council reserves the right to cancel the Grant and, in such event, no further payments will be made. Where payments have been made, the Council may demand repayment together with compound interest from the date on which payment was made until repayment, at such reasonable rate as the Council may determine. If your circumstances do change from those originally stated, you must notify the Council immediately in writing.

- In any case where financial circumstances at the time of application are later confirmed to be different from those submitted by the applicant/s such that after approval a new processing of information would lead to a reduced grant or denial of a grant then the original approval will be amended/cancelled and the Council may demand repayment together with compound interest from the date on which payment was made until repayment, at such reasonable rate as the Council may determine to recover any over payment. In such circumstances the Council may choose to cancel the whole approval or demand repayment of all monies paid, plus compound interest, despite the fact that a reduced level of grant would have been approved, where it is felt the degree of error in the applicant completing the original means test form is such to suggest a deliberate attempt to deceive.
- If the applicant should die after approval of the grant whilst the approved works are in progress, the council may at its discretion agree to the making good of the works undertaken to that point and pay an appropriate portion of the grant.
- In circumstances where the Council believe that actions of applicants may have been taken to deliberately defraud the Council, at any stage, a file will be passed to the Police for investigation.
- In cases where a condition applies (that is a condition of the grant where the recipient will be required to repay a proportion of the grant), the Council will place a local land charge against the property for the repayment.
- Where a repayment condition is in force, the Council may require the person responsible to provide information in writing to satisfy the Council that the condition is being complied with. It is a condition that this information is provided in a reasonable time period, specified by the Council. Failure to comply with this requirement is a breach of the conditions in itself and the repayment amount must then be repaid to the Council.
- In the case of a Partnership Grant, if the applicant fails to comply with the terms of the Nomination Rights Agreement, then they will repay on demand to the Council the total amount of grant paid out.
- In the case of a Mandatory Disabled Facilities Grant for an owner occupier, where the grant exceeded £5,000, the Council will demand repayment of the amount of grant in excess of the first £5,000 (up to a maximum of £10,000 in total) if within the grant condition period (10 years from the date that the works are certified);
 - The property is disposed of in any way
 - The property is occupied other than by the disabled person.
- Where an applicant dies after completion of the works, but before the expiry of the local land charge on the property, the council will seek repayment of the housing grant from the applicant's estate if a disposal by sale or change in ownership takes place.

- The Council may determine not to demand repayment of the grant, or to demand a lesser amount where extenuating circumstances exist (for example if the recipient would suffer financial hardship if required to make the repayment). This will be at the discretion of the Council and on a case by case basis.
- If in any situation whereby repayment of grant is required and the applicant fails to make the necessary arrangements, the Council will commence legal action to recover the amount due. This may result in a court order for the amount due which will be registered as a charge against the property. This will incur compound interest at a reasonable rate as determined by the Council.
- Applicants will be required to pursue all available insurance or other damages claims that might be available to offset the cost of the works
- In the event of a recipient of a grant pursuing a successful insurance claim, action for legal damages etc. which covers any part of the cost of works for which grant was previously paid, the applicant will on demand repay the total value of grant paid relating to such works or the value of the insurance payment/legal damages if lower.

Appendix 2

Definitions

Agreed Works	Are those works appearing on a schedule produced or authorised by the Council.
Application	To be valid an application must include the completed application form and (where necessary) certificate of occupation, the requisite number of estimates in the form required and plans if needed.
Charge on a Property	Is where the local authority legally places a debt on the record of a house and recovers the debt, upon its sale if not settled beforehand.
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.
Disabled Occupant	The disabled person for whose benefit it is proposed to carry out any of the relevant works.
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.
Licensee	A person having a licence to occupy.
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.
Occupier	A person who occupies (jointly or with others) a qualifying houseboat or park home.
Owners' Interest	Where the applicant has, or proposes to acquire, an owner's interest in every parcel of land on which the relevant works are to be carried out. The Council may treat this condition as met by a person who has, or proposes to acquire, an owner's interest in only part of the land concerned. NB The Council will not approve an owner's application by a person who proposes to acquire a qualifying owner's interest until they are satisfied that she/he has done so.
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.

Proof of Title	<p>A copy of the current Land Registry title document showing the applicant as an owner.</p> <p>If the property is not registered, a letter from a Solicitor, Building Society or bank on an applicants' behalf in the case of freeholders or leaseholders to confirm ownership.</p>
Qualifying Tenant	<p>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 a grant.</p>
Works in Default	<p>Means works that the Council organises and possibly carries out as a result of the recipient of a statutory notice failing to comply with its requirements within a reasonable period of time.</p>