

ASHFIELD DISTRICT COUNCIL



Council Offices,
Urban Road,
Kirkby in Ashfield
Nottingham
NG17 8DA

Agenda

Cabinet

Date: **Monday, 10th September, 2018**

Time: **10.00 am**

Venue: **Committee Room, Council Offices, Urban Road,
Kirkby-in-Ashfield**

For any further information please contact:

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CABINET

Membership

Chairman: Councillor Jason Zadrozny

Councillors:

Christian Chapman
Robert Sears-Piccavey
John Wilmott

Tom Hollis
Helen-Ann Smith

FILMING/AUDIO RECORDING NOTICE

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SUMMONS

You are hereby requested to attend a meeting of the Cabinet to be held at the time/place and on the date mentioned above for the purpose of transacting the business set out below.



R. Mitchell
Chief Executive

AGENDA

Page

1. **To receive apologies for absence, if any.**
2. **Declarations of Disclosable Pecuniary or Personal Interests and Non Disclosable Pecuniary/Other Interests.**
3. **To receive and approve as a correct record the minutes of the meeting of the Cabinet held on 9th July, 2018.** 5 - 10
4. **Council Tax - Empty Property Premium.** 11 - 14

Decision included in the Forward Plan of Executive Decisions
Portfolio Holder: Councillor Robert Sears-Piccavey – Cabinet Member
(Inward)
5. **Civil Penalties for Council Tax and for the Council Tax Reduction Scheme.** 15 - 20

Decision included in the Forward Plan of Executive Decisions
Portfolio Holder: Councillor Robert Sears-Piccavey – Cabinet Member
(Inward)
6. **Budget Monitoring (Position to end of July 2018) - General Fund, Housing Revenue Account (HRA) and Capital Programme.** 21 - 28

Key Decision included in the Forward Plan of Executive Decisions
Portfolio Holder: Councillor Robert Sears-Piccavey – Cabinet Member
(Inward)
7. **Flexible Use of Capital Receipts Strategy.** 29 - 34

Key Decision included in the Forward Plan of Executive Decisions
Portfolio Holder: Councillor Robert Sears-Piccavey – Cabinet Member
(Inward)
8. **Aids and Adaptations Policy.** 35 - 70

Key Decision included in the Forward Plan of Executive Decisions
Portfolio Holder: Councillor John Wilmott – Cabinet Member
(Outward)

9. Private Sector Housing Renewals Policy. 71 - 86

Key Decision included in the Forward Plan of Executive Decisions
Portfolio Holder: Councillor John Wilmott – Cabinet Member
(Outward)

10. Tenancy Strategy and Tenancy Policy. 87 - 126

Key Decision included in the Forward Plan of Executive Decisions
Portfolio Holder: Councillor John Wilmott – Cabinet Member
(Outward)

CABINET

Meeting held in the Council Chamber, Council Offices, Urban Road, Kirkby-in-Ashfield,

on Monday, 9th July, 2018 at 2.00 pm

Present: Councillor Jason Zadrozny in the Chair;

Councillors Christian Chapman, Tom Hollis,
Robert Sears-Piccavey, Helen-Ann Smith and
John Wilmott.

Apologies for Absence: Craig Bonar and Carol Cooper-Smith.

Officers Present: Richard Crossland, Ruth Dennis,
Theresa Hodgkinson, Peter Hudson,
Robert Mitchell, Paul Parkinson and
Julie Robinson.

In Attendance: Councillors Christine Quinn-Wilcox and
Sam Wilson.

CA.15 Declarations of Disclosable Pecuniary or Personal Interests and Non Disclosable Pecuniary/Other Interests

There were no declarations of interest.

CA.16 Minutes

RESOLVED

that the minutes of the meeting of the Cabinet held on 14th June, 2018 be received and approved as a correct record.

CA.17 Leisure Transformation Programme - Selston High School

The report was presented to update Members on the Leisure Transformation Programme and in particular, the proposal from Selston High School which would see operation of the community leisure services transfer to the school.

The Chairman welcomed to the meeting Paul Halcro, the Headteacher from Selston High School and Councillors Christine Quinn-Wilcox and Sam Wilson who were in attendance to participate in the discussions.

Mr. Halcro informed the Committee that he was keen to progress the Leisure Transformation Programme as this would be an extremely positive step working in partnership to improve and develop the leisure services for the whole community

Councillors Christine Quinn-Wilcox and Sam Wilson commented that they were both supportive of this programme. Councillor Wilson added that he would like an assurance that the Two Counties Trust would liaise with the Parish Council to dispel any concerns that members of the public may have.

The Assistant Director, Place and Communities assured Councillor Wilson that the Council would be working closely with the High School and the Two Counties Trust to develop this programme. Furthermore, she would be happy to attend any Parish Council or community meetings to update members of the public accordingly.

Members also considered the alternative option to maintain the current arrangements for operation of the site. However, maintaining the current operation would not allow the Authority to achieve the aims of the Corporate Plan through the development of shared assets and asset rationalisation as recommended in the Leisure Facilities Strategy.

RESOLVED that

- a) subject to there being a mutual agreement, approval be given to the transfer of the operational management of Selston Leisure Centre and associated notices to The Two Counties Trust (TTCT), to enable them to continue with the leisure provision at the School;
- b) delegated authority be granted to the Interim Director - Place and Communities, in consultation with the Leader of the Council, to negotiate a mutually agreeable notice period and finalise the relevant notices;
- c) approval be given to notice being served on the current provider Sports and Leisure Management (SLM).

Reason:

To implement the recommendations within the Leisure Transformation Programme and recognise the importance of working in partnership with community/sporting facilities to ensure that they are affordable, accessible and fit for purpose in creating sustainable communities.

CA.18 Combatting Modern Slavery - Policy and Statement

Members were asked to consider the proposed Modern Slavery and Human Trafficking Policy Statement and Transparency Statement, including the associated commitments to practical action.

Members also considered the alternative option not to approve the Modern Slavery and Human Trafficking Policy Statement and Transparency Statement, or approve a different version. However, the documents have been prepared in order to set out the current and ongoing action the Council intends to take to demonstrate its commitment to tackling this issue in a clear and concise way.

RESOLVED

that the Modern Slavery and Human Trafficking Policy Statement and Transparency Statement, appended to the report, be approved.

Reasons:

To meet the Council's legal, moral and safeguarding obligations and to take a proactive role in tackling this type of crime.

It is a legislative requirement for all organisations with an annual turnover of £36 million to have a Modern Slavery Transparency Statement.

CA.19 Place Enhancement

The report was presented to update Members on the delivery of the key projects, programmes and initiatives within the Place Leadership Agenda and consider the allocation of Section 106 monies for Sutton Town Centre improvements.

Members also considered the alternative option to do nothing which is not recommended as the insight work carried out to date in conjunction with stakeholders has allowed the Council to increase understanding of the District by creating the Ashfield Story and future requirements.

RESOLVED that

- a) the report be received and noted and the further development of the Ashfield Place Leadership programme, as outlined in the report, be approved;
- b) the allocation of £34,000 Section 106 monies to Sutton Town Centre improvements, as previously agreed at the Cabinet meeting on 14th June 2018, be noted;
- c) the grant offer from WREN of £50,000, to progress the Lime Tree Recreation Ground Scheme in Hucknall, be noted.

Reasons:

The Council's Corporate Plan has made a commitment to the Place and Economic theme to:-

- Enhance the identity and brand for Ashfield;
- Raise the profile of Ashfield as a place where people would wish to visit.

CA.20 Housing in Multiple Occupation (HMO) Licensing Changes

Members were advised of the changes to the mandatory licensing of Homes in Multiple Occupation (HMO's) under the provisions of the Housing Act 2004 and asked to consider setting a new licence fee and allocation of resources to deliver the Council's statutory obligations.

The Council is legally obliged to implement the new HMO regulations and therefore there were no alternative options to consider.

Members also considered the alternative option to leave the licence fee unchanged. However, this was not considered viable as the income would not cover the costs associated with administering the licensing process.

RESOLVED that

- a) the changes to the HMO regulations under part 2 of the Housing Act 2004, as outlined in the report, be noted;
- b) the proposed new fee structure for the mandatory licensing of HMO's, as set out in the table in Section 4 of the report, be approved;
- c) approval be given to the allocation of additional staffing resources to implement and administer the new HMO regulations, as outlined in the report with the cost of such being met through the proposed revised licence fee.

Reason:

Part 2 of the Housing Act 2004 includes a statutory requirement to licence larger HMO's. The regulations have recently been revised resulting in a greater number of properties needing to be licenced.

CA.21 Civil Penalties

Members were asked to consider the introduction of an Ashfield Civil Penalties Policy. The Housing and Planning Act 2016, enacted on 6th April, 2017, introduced Civil Penalties as an alternative to prosecution for certain offences under the Housing Act 2004.

In view of the fact that this was a request to formally make use of a new statutory addition in current legislation there were no other options to consider.

RESOLVED

that the Private Sector Housing Civil Penalties Policy, as appended to the report, be approved and implemented with immediate effect.

Reasons:

A Private Sector Housing Civil Penalties Policy is required to enable the Council to make use of its new powers (under the Housing and Planning Act 2016) to impose civil penalties as an alternative to prosecution.

Approval of the Policy will enable the Council to use the income that it receives from civil penalties (and the rent repayment orders that are likely to be made following the successful imposition of a civil penalty) to fund the appointment of additional staff to tackle criminal, rogue and irresponsible landlords.

The policy will also provide an affective further tool for enforcement in areas where there is no selective and/or additional licensing (or where such licensing schemes come to their prescribed end date).

CA.22 Housing Strategy Action Plan Update

Members were asked to note the progress made against the Housing Strategy 2016-20 Action Plan for 2016-18 and consider the Action Plan for 2018-20.

Members also considered the alternative option of not approving the Action Plan for 2018-20.

RESOLVED that

- a) the progress made against the Housing Strategy 2016-20 Action Plan for 2016-18, as outlined in the report, be noted;
- b) the key policy issues, local priorities and outcomes of the Action Plan for 2018-20, as detailed in the report, be approved.

Reasons:

The Housing Strategy 2016-20 covers a 4 year period and is delivered through two action plans covering the period 2016-18 and 2018-20. As such, the first action plan has now come to an end and a second action plan is required for the remaining life of the strategy.

The Action Plan 2018-20 continues to build on the achievements of the first action plan and continues to focus on the 6 priority areas identified in the strategy.

CA.23 Make a Stand Campaign

The report was presented to update Members on the details of the Make a Stand campaign that has recently been launched by the Chartered Institute of Housing in partnership with Women's Aid and the Domestic Abuse Housing Alliance.

There were no alternative options to consider as Ashfield District Council is already committed to tackling domestic abuse and by committing to this campaign the work currently being carried out will be enhanced.

RESOLVED that

- a) approval be given to Ashfield District Council making a commitment to the Make a Stand Campaign to take action to support the victims of domestic abuse in the District and developing an action plan to deliver the campaign commitments;
- b) approval be given to Councillor Helen-Ann Smith and Carol Cooper-Smith, Interim Director of Place and Communities, taking up the roles of Prevention of Domestic Violence Champions.

Reasons:

Ashfield District Council has already made a commitment to tackling domestic abuse in the district through the Corporate Plan and the priorities of the Housing Strategy 2016-20, by providing refuge accommodation and support to residents experiencing domestic abuse. Committing to the Make a Stand campaign will demonstrate ongoing support and enhances the work being done to tackle domestic abuse.

As a landlord of over 6,500 homes and service provider to around 55,000 households, Ashfield District Council has a key role to play in ensuring tenants and residents are able to live safely and securely in their homes.

**CA.24 Section 100A Local Government Act 1972;
Exclusion of the Press and Public**

RESOLVED

that in accordance with the provisions of Section 100A of the Local Government Act 1972, the press and public be now excluded from the meeting during the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of part 1 of Schedule 12A of the Act and in respect of which the Proper Officer considers the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

**CA.25 Lease Terms - Southwell Lane Kirkby in Ashfield
(Exempt by virtue of paragraph 3)**

Members were asked to consider the reauthorisation of the surrender and re-grant of three ground leases.

Members also considered the alternative option to retain the existing leases.

RESOLVED that approval be given to the reauthorisation of the Cabinet decision of 11th June, 2015 as detailed below:-

- a) to surrender by way of Deed the three existing leases between Ashfield District Council and the tenant, on the terms as set out in the report;
- b) to re-grant leases of the three sites to the tenant on renegotiated terms to include the Council's standard terms along with:-

deferral of the rent reviews due every 21 years on the sites for the first 5 years of the new lease term, subject to an additional rental payment during the remaining 16 years before the next rent review. The tenant will continue to pay the Council the current rent during this deferred period;

- c) delegated authority be granted to the Director of Business and Transformation and the Director of Legal and Governance, to agree any updates or variations on the current lease terms and for the Director of Legal and Governance to complete the necessary transactions.

Reasons:

The tenant has now expanded the business on the three Council owned sites in Kirkby-in-Ashfield with the associated investment and employment into the District. In addition, following the initial 5 year deferral, the Council will receive additional rent over the next 21years.

The meeting closed at 3.20 p.m.

Chairman.

Report To:	CABINET	Date:	10TH SEPTEMBER 2018
Heading:	COUNCIL TAX - EMPTY PROPERTY PREMIUM		
Portfolio Holder:	COUNCILLOR ROBERT SEARS-PICCAVEY – CABINET MEMBER (INWARD)		
Ward/s:	ALL		
Key Decision:	NO		
Subject to Call-In:	YES		

Purpose of Report

In the November 2017 budget the Government announced its intention to allow Local Authorities to increase the level of council tax premium on empty properties over 2 years, from 50% to 100%. This change required new legislation to be passed by parliament but no indication was given as to when this would be completed through the parliamentary process.

The Government's stated reason for allowing councils to increase the empty property premiums is to help reduce the number of empty domestic properties by forcing owners to allow the properties to be occupied and increase the availability of housing stock for occupation.

Recommendation(s)

That Cabinet agree to Ashfield District Council implementing the changes provided in the Rating (Property in Common Occupation) and Council Tax (Empty Dwellings) Bill (once enacted), which will give the Council power to:-

- 1. Apply a 100% Premium to the total annual Council Tax bill on unoccupied dwellings that have stood empty for over 2 years but less than 5 years.**
- 2. Apply a 200% council tax Premium to the total annual Council Tax bill on dwellings that have been continuously unoccupied between 5 and 10 years.**
- 3. Apply a 300% council tax Premium to the total annual Council Tax bill on properties that have been continuously unoccupied for a period exceeding 10 years.**

Reasons for Recommendation(s)

The Rating (Property in Common Occupation) and Council Tax (Empty Dwellings) Bill has almost completed its passage through the House of Parliament and the House of Lords, and is due to receive Royal Assent shortly. Originally, this bill was designed to allow councils to increase the empty property

premium chargeable on dwellings that have stood empty for more than 2 years, from 50% to 100%. A recent amendment to this bill was agreed by parliament which will allow councils to increase the premium to 200% for properties that have been empty over 5 years, and to 300% for properties that have been empty for more than 10 years.

The legislation will allow the new empty property premiums to be implemented from 1st April 2019.

The decision to apply or not apply the new Council Tax Empty Premiums falls within the powers of the council, the new legislation does not give Local Authorities the power to increase the % Empty Property Premiums above those specified in the Council Tax (Empty Dwellings) Bill.

Alternative Options Considered

If the new powers are not applied the council tax empty property premium would simply remain at the current 50% rate and the potential additional council tax income would be foregone.

Detailed Information

The main driver for implementing this change is to reduce the number of unoccupied domestic properties in the district. By applying a higher level of Empty Property Premium, this should have the effect of increasing the number of homes available for occupation.

Implementing this change is unlikely to yield significant additional income for Ashfield District Council, as shown in the table below. Council Tax premium income from the properties that become occupied will actually fall from 150% to 100%, or even 75% in the case of properties with 1 adult occupant.

Implementing the new Empty Property Premiums from 1st April 2019

If the Cabinet agrees to implement the change then the following actions are proposed.

- The Council Tax system parameters will be updated during the 2019-20 annual billing process so that the new premiums will be included in the 2019-20 Council Tax annual bills.
- The Council Tax service will send a notice to the owners of all unoccupied dwellings (empty over 2 years (including those over 5 years and those over 10 years) in January 2019 to let them know about the forthcoming change.
- The Council Tax service will monitor the number of empty properties, prior to and after the change is implemented, in order to monitor the effect of the change on the numbers of empty properties in the District.
- The Council Tax service will consider any appeals against the premium, on a case by case basis, to ensure that the premium is not applied where it would be inappropriate to do so, for example where the property is being actively marketed for sale.

Implications

Estimating the number of properties that will remain unoccupied following this change is difficult. It is reasonable to suggest that if landlords are currently happy to pay a 50% premium for empty properties over 2 years then many will probably be equally willing to pay a 100% premium.

It is therefore simply not possible to make a sound assessment of any potential additional income the additional Council Tax Premiums may create. It is intended that the effects of the new Empty Property

The Council Tax Premiums will be closely monitored during 2018-19 and any additional income raised will be reported to Cabinet through the normal financial reporting. If the additional income is material then this will be included in future MTFS setting.

Corporate Plan:

Change in Council Tax legislation

Legal:

The details of the proposed legislation are set out in the report.

Final amendments were made to the Bill during the third reading in the House of Lords on 18 July. The Bill will now go to the House of Commons for consideration of the Lords' amendments prior to receiving Royal Assent at a future date (as yet unknown).

Finance:

Budget Area	Implication
General Fund – Revenue Budget	No assessment can be made of the potential income these new premiums may generate once applied. This is a new Government Policy nationally and therefore there is no historic data on which to base any estimates.
General Fund – Capital Programme	N/A
Housing Revenue Account – Revenue Budget	N/A
Housing Revenue Account – Capital Programme	N/A

Risk:

Risk	Mitigation
We would expect challenges to the Council's decision to apply the new premiums to individual properties.	Each challenge would be assessed on its merits and the decision would be conveyed to the property owner. If still dissatisfied then the taxpayer does have the right of appeal to a Valuation Tribunal.

Human Resources: There are no HR implications contained within the report.

Equalities: It is considered that there are no adverse equality/diversity implications contained in these proposals.

Other Implications:
(if applicable)

Reason(s) for Urgency

(if applicable)

Reason(s) for Exemption

(if applicable)

Background Papers

(if applicable)

Report Author and Contact Officer

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Report To:	CABINET	Date:	10 SEPTEMBER 2018
Heading:	CIVIL PENALTIES FOR COUNCIL TAX AND FOR THE COUNCIL TAX REDUCTION SCHEME		
Portfolio Holder:	COUNCILLOR ROBERT SEARS-PICCAVEY – CABINET MEMBER (INWARD)		
Ward/s:	N/A		
Key Decision:	NO		
Subject to Call-In:	YES		

Purpose of Report

Local Authorities currently have the power to impose civil penalties for Council Tax and for the Local Council Tax Reduction scheme in a number of circumstances, however at present these powers are not used by Ashfield District Council.

The purpose of this report is to seek member's agreement to allow the council tax service to apply the Civil Penalty in those cases where it is deemed appropriate to do so.

Civil penalties may generate some additional General Fund income but the primary intention of this policy is for penalties to be used as a deterrent against fraud and error, not a regular source of income. It should also be considered that the successful collection of the civil penalties imposed is difficult therefore the level of additional income likely to be achieved is negligible.

Recommendation(s)

For Cabinet to agree to allow Council Tax Civil Penalties to be applied when appropriate to do so.

Reasons for Recommendation(s)

Under section 151 of the Local Government Act 1972, the Section 151 officer has a statutory duty to implement appropriate measures to prevent and detect fraud and corruption.

In this context, fraud is where a person whilst applying for or in receipt of a Council Tax discount, exemption or reduction makes a false statement, produces a false document and/or fails to notify of a relevant change in circumstances which the person knows will affect the discount, exemption or reduction they are entitled to, or are in receipt of.

Local Authorities also have powers to impose civil penalties for Council Tax and for the Local Council Tax Reduction scheme where a council tax payer who is receiving a Council Tax reduction, discount or exemption, has failed to notify the council within a reasonable period of time, of a change of circumstances which would have resulted in a reduction or removal of the council tax reduction, discount or exemption they have been receiving.

At present these powers are not used here at Ashfield District Council.

A recent recommendation in the Anti-Fraud & Corruption audit undertaken by CMAP identified that the Council was not utilising the Council Tax enforcement powers by choosing not to issue Civil Penalties. The audit recommendation was that the Council should consider utilising Council Tax enforcement powers by issuing Civil Penalties as and when necessary.

Why should the council apply Civil Penalties?

The introduction of civil penalties will help to encourage all taxpayers to report relevant changes in their circumstances when they are in receipt of appropriate discounts, exemptions or reliefs. We will ensure that all related correspondence clearly explains that a Civil Penalty may be applied where it is deemed appropriate.

Improved reporting of changes in respect of Council Tax discounts and exemptions will mean that the local authority should be able to set a more accurate Council Tax income base and this will result in fairer Council Tax bills for all residents.

Alternative Options Considered

Currently, the Council Tax Service uses the “threat” of a civil penalty being applied in order to emphasise that council tax account holders who are receiving a council tax reduction, discount or exemption based on certain qualifying factors, are encouraged to report any changes to the council tax office so that their council tax account can be amended and a corrected council tax bill issued accordingly.

Detailed Information

Schedule 3 of the Local Government Finance Act 1992 allows Councils to impose a civil penalty of £70 in cases where a resident fails, without a reasonable explanation, to supply information (or negligently supplies incorrect information). Details below:-

- **Regulation 3** of the Council Tax (Administration and Enforcement) Regulations 1992 allows the Local Authority to request information from the Householder. This is required to ensure that Council Tax is being correctly calculated. If a request for information is made to the householder under these regulations then that information must be provided to the council within 21 days. This regulation includes landlords and managing agents (a managing agent is anyone who is authorised to arrange lettings of the property).
- **Regulation 11** of the Council Tax (Administration and Enforcement) Regulations 1992 requires a liable person to advise a Local Authority if an exemption is incorrect. Notice should be provided within 21 days of becoming aware of this belief.
- **Regulation 12** of the Council Tax (Administration and Enforcement) Regulations 1992 allows the Local Authority to request information. This is required for them to ensure that an exemption is being correctly calculated. If notice is served under these regulations it must be provided within 21 days.
- **Regulation 16** of the Council Tax (Administration and Enforcement) Regulations 1992 requires a liable person to advise a Local Authority if a discount is incorrect. Notice should be provided within 21 days of becoming aware of this belief.

If the information is not provided within the 21 days specified in the Regulations, then if a further request has to be made for the information already requested (under the above) then a second, higher, penalty (currently £280.00) may be issued. This higher penalty can be applied each time the request is repeated.

Local Council Tax Reduction Scheme (CTR)

The Council also has powers under the Council Tax Reduction Schemes (Detection of Fraud and Enforcement) (England) Regulations 2013 to prosecute cases of fraud in Local Council Tax Support schemes.

A local authority may prosecute a claimant for deliberately giving wrong information when they apply for Council Tax Reduction (CTR), either the claimant or someone acting on their behalf. The Council may also prosecute where someone encourages someone else to give wrong information on their behalf.

Also, a current claimant of CTR can be prosecuted or a civil penalty can be imposed, if they fail to tell the Council about any change in circumstances which they know affects their entitlement to CTR or the amount of CTR they receive.

However as an alternative to prosecution the Council may choose instead to impose a Civil Penalty under the same regulations. A civil penalty of £70 can be imposed in those cases

where a claimant fails, without reasonable explanation, to supply information (or negligently supplies incorrect information) which results in a council tax reduction overpayment.

Implications

Applying and withdrawing civil penalties

A Local Authority may withdraw the civil penalty at any time where it would be appropriate to do so for reasons such as vulnerability or extreme hardship for example.

The power to apply and withdraw civil penalties would normally be retained within the Council Tax service to ensure efficient and effective use of these powers. This would form part of the normal administration of council tax and the council tax reduction scheme.

Collection of a Civil Penalty

A civil penalty can be collected by adding it to an existing Council Tax bill or by issuing a separate notice. The amount can be recovered in the same way as Council Tax but recovery action must be suspended if an appeal is lodged (Regulation 29 of the Council Tax (Administration & Enforcement) Regulations 1992).

Right of Appeal

A normal appeals process would be followed in the event of a dispute:-

- If a council taxpayer disagrees with the imposition of a Council Tax penalty they may ask the Council to reconsider the decision.
- A formal request to reconsider the decision should be submitted to the Service Manager-Revenues and Benefits
- Recovery of the penalty will be suspended until the appeal is decided.
- If the decision remains unchanged by the Service Manager – Revenues and Benefits, then an appeal may be made.
- The appeals decision will be made by the Director-Resources and Business Transformation. The Portfolio Holder to be notified of the decision
- A right of appeal directly to the Valuation Tribunal is available should the council taxpayer remain unsatisfied with the outcome of the Council's appeals process.
- The customer has two months in which to appeal after a penalty is imposed

There is no right of appeal to a higher court if the resident/taxpayer disagrees with the Valuation Tribunal's decision.

Corporate Plan:

The issue of Civil Penalties was raised in a Corporate Fraud report, with a recommendation that the authority look to allow the penalties to be imposed as outlined in this report.

Legal:

The relevant legislation is set out above in detail. The Council in order that it does not fetter its discretion, should always consider each case on its merits as suggested above.

Finance:

Budget Area	Implication
General Fund – Revenue Budget	Potential for a small amount of additional income to the general fund.
General Fund – Capital Programme	N/A
Housing Revenue Account – Revenue Budget	N/A
Housing Revenue Account – Capital Programme	N/A

Risk:

Risk	Mitigation
There is likely to be an increase in complaints challenging the decision to impose a civil penalty.	Any additional work generated would be absorbed within existing resources.
There is likely to be a small increase in appeals to the Valuation Tribunal.	Current senior staff are sufficiently knowledgeable to deal with appeals and we have sufficient capacity to handle any small increase in appeals lodged.

Human Resources:

There are no HR implications contained within the report.

Equalities:

There are no adverse equality/diversity implications contained in the report

Other Implications:

None.

Reason(s) for Urgency

N/A

Reason(s) for Exemption

N/A

Background Papers

None.

Report Author and Contact Officer

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Report To:	CABINET	Date:	10TH SEPTEMBER 2018
Heading:	BUDGET MONITORING (POSITION TO JULY 2018) – GENERAL FUND, HOUSING REVENUE ACCOUNT (HRA) AND CAPITAL PROGRAMME		
Portfolio Holder:	COUNCILLOR ROBERT SEARS-PICCAVEY – CABINET MEMBER (INWARD)		
Ward/s:	ALL		
Key Decision:	YES		
Subject to Call-In:	YES		

Purpose of Report

This report sets out the detail of income and expenditure forecasts for 2018/19 compared to the approved and proposed revised budgets for the General Fund, Housing Revenue Account (HRA) and Capital Programme. This is based on activity to July 2018.

Recommendation(s)

Members are requested:

- (i) To note the forecast variances against proposed revised budgets for the General Fund (underspend of £20k), HRA (underspend of £927k) and Capital Programme (slippage of £7.265m).
- (ii) To approve the proposed General Fund (£848.7k) and HRA (£42k) budget revisions included in the report.

Reasons for Recommendation(s)

To report to those charged with Governance the financial position to July 2018 and comply with the Council's Financial Regulations.

Alternative Options Considered

There have been no alternative options identified.

Detailed Information

a. General Fund to July 2018

When the budget process was completed for 2018/19 there were a number of service reviews and other projects that were still ongoing and which were not concluded until after the 2018/19 budget was set. It is proposed that the original budgets are now revised to reflect the financial impact of these. Additionally, during the first 4 months of 2018/19 the Council has also purchased a further Investment Property (Factory at Glenrothes) and budget revisions are also proposed to reflect the part year effect (capital financing costs and rental income) of this acquisition.

The proposed 2018/19 Budget adjustments are set out in Table 1 below:

Table 1: Proposed General Fund Budget Adjustments

Proposed Budget Adjustment	Increase/ Decrease	£'000
Localities Service Review (now renamed Place & Wellbeing)	Decrease	-57.8
Hub Service Review Stage 2 (General Fund share)	Decrease	-37.3
Insurance Premium savings (renegotiated contract)	Decrease	-65.5
Apprenticeship Levy (proportion chargeable to the HRA)	Decrease	-13.0
Investment Property Income – Wilkos and B&M	Decrease	-417.0
Investment Property Income – Glenrothes (part year effect)	Decrease	-328.5
Investment Properties – additional MRP and Interest Costs	Increase	+70.4
Total Proposed Budget Adjustment	Decrease	-848.7

In addition to the above proposed budget revisions, Council approved (26th July 2018) the carry forward of underspends in the General Fund totalling £275k and these have been included in the revised budgets in Table 2 below.

Table 2 – General Fund Forecast Outturn

The summary below shows the proposed revised budget against the forecast outturn position for the General Fund by Directorate; excluding capital financing costs and internal recharges. The current General Fund forecast is an underspend of £20k; details of any significant variances incorporated within this are detailed in the commentaries below the table.

Directorate	Proposed Revised Budget £'000	Forecast Outturn £'000	Forecast Variance £'000
Chief Executive Officer	531	531	0
Legal and Governance	1,615	1,598	(17)
Resources and Business Transformation	2,521	2,537	16
Place and Communities	10,504	10,485	(19)
Housing and Assets	2,327	2,327	0
Total	17,498	17,478	(20)

Legal and Governance (£17k forecast underspend)

- Democratic Services – £9.4k forecast underspend for a vacant post and £8k savings from the reduced Cabinet structure.

Resources and Business Transformation (£16k forecast overspend)

- Commercial Property – £16k forecast reduction in income from Industrial Estates and Council owned shops due to property voids in quarter 1.

Place and Communities (£19k forecast underspend)

- Directorate wide – a forecast underspend of £120k in relation to vacant posts across the Place and Communities Directorate.
- Complex Case Teams – £40k additional one off grant income from Nottinghamshire Fire and Rescue.
- Environmental Services – £32k additional costs for the Big Spring Clean initiative, £12.2k forecast overspends on a number of smaller budget pressures across the service.
- Waste Services – Forecast reduction in income of £132k partially offset by reduced costs across the service of £72k, because one waste round is not required based on current service take up. There is also a small forecast budget pressure of £7k income for Trade Refuse.
- Markets – Forecast £41k reduction in income from Sutton Indoor Market due to under occupancy.
- Land Charges – £13.1k additional one off New Burdens Grant income for property searches.

b. Housing Revenue Account (HRA) to July 2018

When the budget process was completed for 2018/19 there were service reviews, other projects and changes to the capital programme that were still ongoing and which were not concluded until after the budget was set. The budget revisions shown in the Table below are therefore proposed.

Table 3: Proposed HRA Budget Adjustments

Proposed Budget Adjustment	Increase/ Decrease	£'000
Hub Service Review Stage 2 (HRA share)	Decrease	-18.0
Insurance Premium savings (HRA share of renegotiated contract)	Decrease	-37.0
Apprenticeship Levy (proportion chargeable to the HRA)	Increase	+13.0
Total Proposed Budget Adjustment	Decrease	-42.0

On 15th March 2018 Cabinet approved HRA acquisitions amounting to a cost of £1 million for the purchase of new or existing properties to add to the existing housing stock. This is being funded from the HRA of £700k (Direct Revenue Financing) and Capital Retained Right to Buy Receipts of £300k.

On 26th July 2018 the Council also approved the carry forward of £1.096m for HRA capital schemes.

The above HRA budget revisions and forecast outturn as at July 2018 are shown in Table 4 below.

Table 4 – HRA Forecast Outturn

The summary below shows the proposed revised budget against the revised forecast outturn position for the HRA, after allowing for the budget revisions. The forecast underspend is £927k; significant variances are detailed in the commentaries below.

Description	Proposed Revised Budget £'000	Forecast Outturn £'000	Forecast Variance £'000
Income			
Rents, Charges and Contributions	(23,980)	(23,980)	0
Other Grants	0	0	0
Interest and Investment Income	(68)	(68)	0
Total Income	(24,048)	(24,048)	(0)
Expenditure			
Borrowing and Capital Financing Charges	3,505	3,505	0
Repairs and Maintenance	7,387	7,357	(30)
Supervision and Management	4,587	4,584	(3)
Interest Payable and Appropriations	3,284	3,284	0
Other Expenditure	235	235	0
Direct Revenue Financing	1,628	1,613	(15)
Transfer to/from Major Repairs Reserve	5,106	4,227	(879)
Total Expenditure	25,732	24,805	(927)
(Surplus)/Deficit for the year	1,684	757	(927)

Repairs and Maintenance

- The Housing Estates team is being reviewed as part of the Housing Repairs Service Review so vacant posts not advertised until review completed. A £30k saving is expected in delivering the service this financial year.

Major Repairs Reserve

- The revised forecast underspend of £879k is for an estimated saving allowance for customer refusals and contractual issues in delivering the major works schemes across the HRA.

c. Capital Programme to July 2018

Table 5 below sets out the details of the 2018/19 forecast outturn position on the Capital Programme as at July 2018. The current forecast underspend is £7.265m; significant variances are detailed in the commentaries below.

Table 5 – Capital Programme Forecast Outturn 2018/19

Description	Actual + Commitments to July 2018	February 2018 Capital Programme (Amended for Slippage)	Full Year Forecast 2018/19	Forecast Variance to Full Year Capital Programme
	£'000	£'000	£'000	£'000
General Fund				
Hucknall Car Park - Titchfield Street	0	115	20	95
Improvement Grants 1996 Act Disabled Facility Grant	568	907	907	0
Investment Properties	0	10,019	10,019	0
Kings Mill Reservoir (The King and Miller to Kingfisher)	21	1,346	300	1,046
Kirkby Leisure Centre	0	6,000	1,500	4,500
Leisure Transformation Programme	25	340	60	280
Purchase of Vehicles	55	996	996	0
Solar PV Installations Leisure Centres	0	236	236	0
Papplewick Green Public Art Work	142	150	150	0
Annesley Art Project	0	100	100	0
Lindleys Lane Play/Youth Area	0	101	0	101
Other General Fund Schemes less than £100k	271	1,030	750	348
Total General Fund	1,080	21,340	15,038	6,370
HRA				
Decent Homes				
Management Fee	182	545	491	55
Future Major Works	464	6,293	5,664	629
Service Improvement	24	503	453	50
Contingent Major Repairs	6	249	224	25
Exceptional Extensive Works	697	1,200	1,080	120
Disabled adaptations - Major adaptations	0	199	199	0
Disabled adaptations - Minor adaptations	-21	346	346	0
Total Decent Homes	1,352	9,335	8,456	879
Other HRA				
Major Repairs Temporary Accommodation	0	153	138	15
Housing Vehicles	24	388	388	0
Investment in Additional Council Dwellings in Hucknall	192	480	480	0
Investment in New or Existing Dwellings	0	1,000	1,000	0
Other HRA less than £100k	-7	51	51	0
Total Other HRA	208	2,072	2,057	16
Total HRA	1,560	11,407	10,513	895
Total Capital Programme	2,640	32,747	25,551	7,265

General Fund Schemes

- Hucknall Car Park, Titchfield Street – Forecast £95k slippage as decision only recently made to implement the project and the land needs to be transferred from Notts County Council (NCC).
- Investment Properties – Currently forecasting for the full year budget to be spent by the end of the financial year.
- Kings Mill Reservoir (The King and Millar to Kingfisher) – Forecast £1.046m slippage. The majority of the capital budget to be re-profiled to FY 2019/20 due to a delay in the bid submission.
- Kirkby Leisure Centre – Land acquisition costs only expected for this financial year. Expected carry forward of £4.5m to 2019/20.
- Purchase of Vehicles – The full year forecast will depend on the outcome of the transport review. No new vehicles are currently on order. Current forecast slippage of £280k.
- Lindley’s Lane Play/Youth Area – Awaiting transfer of land from developer, further delays expected. Programme likely to slip to 2019/20. (£101k)
- Other General Fund Schemes less than £100k – Delays to Area Schemes currently estimated to be £348k.

Housing Revenue Account Schemes

- HRA Decent Homes Schemes – Estimate 90% of budget costs will be incurred. This allows for customer refusals and contractual issues.
- HRA Vehicles – The full year forecast will depend on the outcome of the transport review. No new vehicles are currently on order. However, at this stage the forecast assumes the budget will be spent.

Implications

Corporate Plan: The revenue and capital funding included within this report supports delivery of the priorities in the Corporate Plan.

Legal: This report ensures compliance with the Council’s approved Financial Regulations

Finance:

Budget Area	Implication
General Fund – Revenue Budget	Details included in the body of the report.
General Fund – Capital Programme	
Housing Revenue Account – Revenue Budget	
Housing Revenue Account – Capital Programme	

Risk:

Risk	Mitigation
Failure to spend within approved budgets could impact the financial sustainability of the Council.	Financial monitoring reports to CLT and Cabinet.

Human Resources: No adverse implications identified.

Equalities: No adverse implications identified

Other Implications: None

Reason(s) for Urgency

Not applicable

Reason(s) for Exemption

Not applicable

Background Papers

2017/18 Outturn Report to Council – 26th July 2018

2018/19 Budget Setting Report to Extraordinary Council – 5th March 2018

Report Author and Contact Officer

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Agenda Item 7



Report To:	CABINET	Date:	10TH SEPTEMBER 2018
Heading:	FLEXIBLE USE OF CAPITAL RECEIPTS STRATEGY		
Portfolio Holder:	COUNCILLOR ROBERT SEARS-PICCAVEY – CABINET MEMBER (INWARD)		
Ward/s:	ALL		
Key Decision:	YES		
Subject to Call-In:	YES		

Purpose of Report

This report seeks Cabinet support for the adoption of a 'Flexible Use of Capital Receipts Strategy' (Appendix 1) and to recommend this to Council.

Recommendation(s)

Support the adoption of the Flexible Use of Capital Receipts Strategy at Appendix 1 and recommend its approval to Council.

Subject to support and subsequent approval by Council, notify the Ministry of Housing, Communities and Local Government (MHCLG) of the adoption of the Strategy.

Reasons for Recommendation(s)

Implementing a strategy in respect of the use of Capital Receipts in accordance with the Statutory Guidance provided by the Secretary of State in March 2016 and updated in February 2018 will provide the Council with the flexibility of determining, subject to in-year General Fund capital receipts being available, how transformation activity in the Council is funded. Implementation of this strategy will provide options for preserving revenue funds.

Alternative Options Considered

(with reasons why not adopted)

To not take advantage of the Government's guidance around implementing a strategy for the flexible use of Capital Receipts. This was discounted as having a Strategy provides the flexibility around the

use of these funds and gives the Council the power of choice. Not having the Strategy removes this power and flexibility.

Detailed Information

The Secretary of State issued guidance and a Direction under section 15 (1) (a) of the Local Government Act 2003, effective from 1st April 2016 in respect of the 'Flexible use of Capital Receipts' and subsequently issued a further Direction under the same Act in February 2018 – Sections 16(2)(b) and 20.

The guidance is applicable to the financial year 2016/17 and each subsequent financial year to which the flexible use of capital receipts Direction applies. The current guidance and Direction covers the period up to financial year 2021/22.

The Direction makes it clear that local authorities cannot borrow to finance the revenue costs of service reform. Local Authorities can only use capital receipts from the disposal of property, plant and equipment assets received in the years in which the flexibility is offered. Local authorities may not use their existing stock of capital receipts to finance revenue costs of service reform.

The Secretary of State has said that individual authorities are best placed to decide which projects will be most effective in their areas but a key criterion to use when deciding whether expenditure can be funded by capital receipts flexibility is that it is forecast to generate ongoing savings for the authority. The Council's Digital Transformation Strategy meets this key criterion.

Authorities are required to demonstrate the highest standards of accountability and transparency and should disclose to full Council the individual projects that will be funded or part funded through capital receipts flexibility.

It is a requirement to notify the Ministry of Housing, Communities and Local Government (MHCLG) of the Strategy and any updates to the Strategy. This is to allow central Government to keep track of planned use of the flexibility for national accounts purposes.

The guidance and Direction do not exempt local authorities from any other obligations, for example in relation to Right to Buy receipts.

Clearly the extent to which the flexibilities can be applied is driven by the value of capital receipts received in year.

The initial Strategy and any further revisions to the Strategy will, in accordance with the guidance, be made available on-line.

Implications

Corporate Plan: Use of capital receipts flexibilities will support service transformation and deliver priorities in the Corporate Plan.

Legal:

The relevant legislation is detailed in the body of the report.

Article 4 (4.01) reserves the approval of the budgetary framework to the Council.

Finance:

Budget Area	Implication
General Fund – Revenue Budget	No direct implication. The Strategy provides potential scope to reduce revenue expenditure.
General Fund – Capital Programme	No direct implication. The Strategy provides scope to utilise General Fund Capital Receipts for transformation purposes.
Housing Revenue Account – Revenue Budget	Not applicable
Housing Revenue Account – Capital Programme	Not applicable

Risk:

Risk	Mitigation
Not implementing the strategy may place further pressure on revenue resources.	Any additional pressure would have to be managed through tighter in-year financial monitoring/decision making by Members.

Human Resources:

No impact

Equalities:

No impact

Other Implications:

No impact

Reason(s) for Urgency

(if applicable)

Reason(s) for Exemption

(if applicable)

Background Papers

DCLG – Statutory Guidance on the Flexible Use of Capital Receipts (updated) – March 2016
MHCLG Letter to Chief Finance Officers – Local Government Act 2003 Sections 16(2)(b) and 20: Treatment of Costs as Capital Expenditure – 6th February 2018

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Ashfield District Council

Flexible Use of Capital Receipts Strategy

1. Qualifying Expenditure

Qualifying expenditure is expenditure on any project that is designed to generate ongoing revenue savings in the delivery of public services and/or transform service delivery to reduce costs and/or transform service delivery in a way that reduces the costs or demand for services in future years for any of the public sector delivery partners. Within this definition it is for individual local authorities to decide whether or not a project qualifies for the flexibility.

Set up and implementation costs of any new processes or arrangements can be classified as qualifying expenditure. The ongoing revenue costs of the new processes or arrangements cannot be classed as qualifying expenditure.

2. Ashfield District Council – Proposed use of Capital Receipts Flexibility

In accordance with the above definition Ashfield's Strategy is such that when it utilises the flexibility it will be in support of delivering the Council's Digital Transformation Strategy. Details of expected savings/service transformation are contained within the Strategy. This Strategy includes but is not limited to:

- Implementation of a Customer Relationship Management (CRM) solution
- Improved functionality of the Payments Solution (improved accessibility for customers)
- Implementation of an on-line Service Booking System
- Implementation of a telephone system upgrade (to better understand customer demand)
- Replace the Environment Health system
- Upgrade and implement new functionality to the Finance system
- Implement a Revenues Portal (Council Tax and Housing Benefits)
- Implement the Total Mobile Housing solution (to enable Officers to remotely access information whilst on-site and allow dynamic scheduling of work).

The nature of costs may include some/all of the following:

- Feasibility work
- Costs of restructuring/rationalisation (staff or non-staff)
- System and process improvements
- Staff training (following new system implementation/system upgrades)
- Setting up commercial or alternative delivery models to deliver services more efficiently and bring in revenue

The Council will also consider the use of this flexibility in regards to specific transformation projects that meet the qualifying criteria. In such circumstances the qualifying criteria and how they are met by the project spend will be documented.

3. Capital Receipts Strategy Updates

Any revision to this Strategy, i.e. proposed use of Capital Receipts for purposes other than the above, will be reported through to Cabinet and Council at the appropriate time in the relevant financial year. Any revision to the Strategy will also consider whether it is necessary to amend the Prudential Indicators at the same time. If the Council presents a revised Strategy during the year it will be copied to MHCLG.

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Report To:	CABINET	Date:	10TH SEPTEMBER 2018
Heading:	AIDS & ADAPTATIONS POLICY		
Portfolio Holder:	COUNCILLOR JOHN WILMOTT – CABINET MEMBER (OUTWARD)		
Ward/s:	ALL		
Key Decision:	YES		
Subject to Call-In:	YES		

Purpose of Report

To advise Members of the Council's approach to assisting residents who require an aid or adaptation to their home to help them retain their independence and to seek approval of the associated Aids and Adaptations Policy.

Recommendation(s)

To approve the Aids & Adaptations Policy, as attached at appendix A

Reasons for Recommendation(s)

The Council is keen to ensure that residents are given the assistance they need to remain independent in their home for as long as practically possible.

The Council understands that not only does this protect the wellbeing and dignity of residents, it also reduces demand on other public sector services, such as hospitals, nursing and residential care.

Underlying this commitment is a need for a clear and transparent Policy. Residents, health professionals, officers and Members all need to be aware of who we can assist and in what ways we can assist.

This new Policy brings together existing policies and practices within one document. It also introduces changes to existing ways of working to try and ensure a level of consistency across all tenures.

Alternative Options Considered

(with reasons why not adopted)

To continue with a Disabled Facilities Grants Policy for private sector residents and a separate Policy for Ashfield District Council tenants. This was rejected because operating two separate policies is not to the benefit of residents or to the efficiency of the service. Both policies were also in need of updating.

Detailed Information

The Aids and Adaptations Policy, as attached at appendix A, sets out the support the Council is able to offer disabled residents who need help to remain independent in their home.

Ideally, we would have a uniform approach across all tenures and the same help would be available if you were a private sector resident or a council tenant. However, the legislation, regulations and funding associated with adapting private homes is different to that associated with Council properties and therefore the Policy is split into 2 separate sections. Part 1 deals with aids and adaptations to private sector properties. Part 2 deals with adapting Council properties.

Where possible we have tried to align the two sections with there being common principles and criteria to ensure a fair and consistent approach across all tenures.

Part 1 of the Policy, support to private sector residents through Disabled Facilities Grants (DFGs) is very much based upon existing rules and regulations. All local authorities have a statutory responsibility to deliver DFG's and so practice and processes are well established. The only area of flexibility relates to the discretionary DFG, which is a top up grant of up to £10,000 for large scale works that exceed the maximum statutory grant of £30,000.

The DFG process works very well. The Council's DFG Team works closely with Nottinghamshire County Council's Occupational Therapy Service to deliver circa 100 property adaptations per year. The service is funded by Better Care Funding, which is awarded by Central Government and administered by Nottinghamshire County Council.

Part 2 of the Policy, relating to adapting Council properties, is a locally agreed service. This section of the Policy has been written to reflect local needs and ensures we are helping as many residents as possible whilst remaining within budget. The demand for adaptations is high and consistently exceeds the limited budget available, meaning the Policy needs to be clear on who we can help and who we cannot.

Within Part 2 there are a number of changes to existing practices, including an intention to conduct a test of resources (means test) for applicants, the introduction of additional rent charges when an adaptation has increased the property footprint (property extension) and the implementation of service charges to cover ongoing servicing and maintenance costs associated with adaptations. These changes should ensure we are achieving value for money and assisting those tenants in most need.

Within Part 2 there is a focus on making the best use of the Council stock and utilising properties with pre-existing adaptations to meet the needs of residents. This is not always possible and the Policy explains the process the Council will follow in these exceptional circumstances.

Consultation on the new Aids and Adaptations Policy has been conducted with the Council's Tenant Gateway group and the County Council's Occupational Therapy Service. Their feedback and comments have been incorporated into the final version. Tenants were in broad support of Part 2, our approach to adapting Council properties, including the changes outlined above.

Implications

Corporate Plan:

This policy supports the council housing vision to: "ensure the population of Ashfield are living in or can access homes that are affordable, warm and within a safe community that promotes the health and wellbeing of residents"

Legal:

The provision of Disabled Facilities Grants (DFGs) is mandatory under the provisions of Section 23 of the Housing Grants, Construction and Regeneration Act 1996.

Finance:

Budget Area	Implication
General Fund – Revenue Budget	N/A
General Fund – Capital Programme	Section 1 costs are met through DFG's in the Council's Capital Programme.
Housing Revenue Account – Revenue Budget	N/A
Housing Revenue Account – Capital Programme	Section 2 costs are met via the HRA Capital Programme.

Risk:

Risk	Mitigation

Human Resources:

Equalities:

This policy has a positive impact for older and/or disabled residents as it provides them with assistance to live independently, feel safe and/or improve the thermal comfort of their home.

Other Implications:

(if applicable)

Reason(s) for Urgency

(if applicable)

Reason(s) for Exemption

(if applicable)

Background Papers

(if applicable)

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Aids and Adaptations Policy

September 2018

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Plan Maintenance

Document Control

This document will be fully reviewed every two years unless there are changes to the legislation that governs the delivery of DFG's

No changes should be made to it without the authorisation of the Service Manager – Strategic Housing & Lettings.

The Director for Housing and Assets has delegated authority to agree minor policy amendments which do not affect the broad thrust of policy direction. Other changes must be approved by the Council Cabinet.

Record of Amendments

Date	Details of amendment / revision	Revised by

Document Version

Version number	Date	Status	Review Date
V1	Sept 2018	Final	

Introduction

This Policy sets out the help and support Ashfield District Council is able to provide local residents who are in need of aids and adaptations in order to help them remain independent and cared for in their home.

The document is split into 2 main parts; Part 1 explains the assistance offered to private sector residents through Disabled Facilities Grants, Part 2 sets out the support provided to Ashfield District Council tenants.

There are differences between Part 1 and Part 2 because the rules, regulations and resources relating to each sector are different. However, in the interests of fairness and equality, where possible the Council has tried to adopt a consistent approach to both private and public sector residents.

Equalities

During the preparation of this plan and also when considering the roles and responsibilities of directorates and employees consideration has been given to promote equality and fairness to ensure that those employees representative and citizens of the Protected Characteristics are not disadvantaged in any way and that due regard has been given to consider their individual circumstances.

The Council's Tenant Gateway group and the County Council's Occupational Therapy Service have also been consulted in the preparation of the policy.

PART 1 - Disabled Facilities Grants

1.1 Mandatory Disabled Facilities Grants (DFG)

Statutory Duty for Mandatory DFG's

Ashfield District Council, in its role as a local housing authority, is under a statutory duty by virtue of the provisions of the Housing Grants, Construction and Regeneration Act 1996 (the Act) to provide DFG's for private sector residential adaptations where the appropriate legislative conditions are met.

The purposes for which a DFG may be given are set out in the Act and can be summarised as follows:

- Facilitating Access – grant may be given for works to remove or overcome any obstacles which prevent the disabled person from moving freely into and around the dwelling, access to the garden and enjoying the use of the dwelling and facilities or amenities within it.
- Making a dwelling or building safe – grant may be given for certain adaptations to the dwelling or building to make it safe for the disabled person and other persons residing with them. This may include the provision of lighting where safety is an issue or for adaptations designed to minimise the risk of danger where a disabled person has behavioural problems.
- Access to a room useable for sleeping – grant may be given for the provision of a room usable for sleeping where adaptation of an existing room in a dwelling (upstairs or downstairs) or the access to that room is unsuitable. Where the disabled person shares a bedroom with a spouse or partner a grant may be given to provide a room of sufficient size so that normal sleeping arrangements can be maintained.
- Access to a bathroom – grant may be given for the provision of, or access to, a toilet, washing, bathing and/or showering facilities.
- Facilitating preparation and cooking of food – grant may be given to re-arrange or enlarge a kitchen to improve the manoeuvrability for a wheelchair and to provide specially modified or designed storage units, work top area etc. Where most of the cooking and preparation of meals is done by another household member, it would not normally be appropriate to carry out full adaptations to the kitchen. However, it might be appropriate to carry out certain adaptations that enable the disabled person to perform minor functions in the kitchen, such as preparing light meals or hot drinks.

- Heating, lighting and power – a grant may be given to provide or improve the existing heating system in the dwelling to meet the disabled person's needs. A grant will not be given to adapt or install heating in rooms which are not normally used by the disabled person. The installation of central heating will only be considered where the well-being and mobility of the disabled person would otherwise be adversely affected. Provision is also made under this section for the adaptation of heating, lighting and power to make them suitable for use by the disabled person.
- Dependant Residents – grant may be given for works to enable a disabled occupant better access around the dwelling in order to care for another disabled person who normally resides there whether or not they are related to the disabled person. Such works could include adaptations to a part of the dwelling to which the disabled person would not normally need access but which is used by the person to whom they are providing care and therefore it is reasonable for such works to be carried out.
- Common parts – grant may be given for works to facilitate access to a dwelling through common parts of a building.

In order to approve DFG's, officers of the Council will work primarily with the Occupational Therapy (OT) Services at Nottinghamshire County Council. The Council cannot refuse to accept a referral from an independent OT, usually employed directly by the prospective grant applicant, but retains its duty to consult with the County Council. In such cases all relevant information will be forwarded to the relevant Nottinghamshire County Council Occupational Therapy service and no decision on grant eligibility will be made until their assessment and recommendations have been made.

The OT services will make referrals to Ashfield District Council recommending work to be carried out which is necessary and appropriate to meet the needs of their client. The Council will approve grants if it is satisfied that the work is reasonable and practicable to carry out.

Although the provision of mandatory DFG's is covered by the Act the Council must comply with the legislation, this documents sets out the policy that will be applied by the Council in the provision of DFG's with regard to matters not covered by the legislation.

Amount of Mandatory DFG

The maximum amount of mandatory grant that the Council can pay for any single grant application is set by Order and is currently £30,000. This amount is reduced by any contribution assessed as payable by the grant applicant (see section 8.0 on the means test).

Top-Up to Mandatory Schemes

Although the maximum amount of grant available for a mandatory DFG is currently £30,000 the Council may potentially provide an additional maximum amount of up to £10,000 as a discretionary top-up where circumstances are such that the cost of work exceeds £30,000 (either as a result of unforeseen works or the extent of the original work that is recommended to the Council). This type of assistance will only be offered as a top up for schemes that fall within the mandatory grant headings as previously described.

When determining any application for discretionary assistance the Council will consider any agreed Nottinghamshire County Council funding plus the ability of the applicant to self-fund the identified additional costs. Subject to this assessment discretionary award will potentially make up the difference between the maximum grant and the cost of eligible works (up to a maximum £10,000). Any discretionary top-up will be repayable on the eventual sale of the subject property and will be recorded as a Land Registry charge.

Any discretionary top-up will only be considered having regard to the amount of resources the Council has at the time. If it does not have sufficient resources left to deal with other referrals that have been passed to the Council by the Occupational Therapy Service at the time, the Council reserves the right not to approve any discretionary top-up.

Discretionary Duty for DFG's

In addition to providing mandatory DFG's, the Council has the power to offer discretionary financial assistance by virtue of the Regulatory Reform (Housing Assistance) (England & Wales) Order 2002. Using these powers, the Council may offer discretionary DFG's for private sector residential adaptations in certain specific circumstances.

1.2 Dual Residency of a Disabled Child

In cases where families separate and a court order provides that residency of the subject disabled child is split between the mother and father (or other designated guardian) the Council may consider the award of discretionary DFG to one property. The proposed adaptations will only be considered for discretionary assistance if they fall within those headings normally applied to mandatory schemes (see Section 3).

Mandatory DFG can only be provided to the 'sole or main residence' of the disabled applicant and in circumstances covered by this section it would be assumed that one party would apply for mandatory grant on the basis that the child occupies the subject property as their sole or main residence. The main residence will be determined by which party receives child benefit. This property may or may not be within the Ashfield district.

The Council will consider the details of any court order and specifically the allocation of time spent with each parent in determining eligibility for assistance. No specific percentage split is proposed by this policy as each case will be reviewed on its own merits. Factors to be considered include the specific details of any order, likely time to be spent at each property, whether the child will stay overnight at the subject property and for what period etc.

In determining the works that might be considered as eligible for assistance the Council will consider the suitability of the subject property for adaptation, the complexity and scope of the adaptations required and any observations or referral made by the Occupational Therapy Service. The scope of any works will not necessarily mirror that to be undertaken at the sole or main residence.

Any assistance provided under this heading will be up to a maximum award of £10,000 but will not be subject to any form of means testing. Any award will be repayable to the Council if and when the subject property is sold. The award amount will be recorded as a Land Registry charge.

Any discretionary award will only be considered having regard to the amount of resources the Council has at the time. If the Council does not have sufficient resources left to deal with other mandatory referrals that have been passed to them by the Occupational Therapy Service at the time, the Council reserves the right not to approve any discretionary assistance. The budget position will be reviewed on an annual basis.

1.3 Relocation Grant

A relocation grant may be available to an applicant who owns or privately rents their property if adaptations to their current home through DFG are determined not to be practicable or reasonable and they are considering relocation to a property they intend to purchase.

- Applicants must be 18 or over on the date of application and, in the case of a disabled child, the parent(s)/carer(s)/guardian(s) would make the application. Any application must be supported by a recommendation from the Nottinghamshire County Council's OT service.
- The Council and the OT must be satisfied that the proposed property already meets the needs of the disabled person without further adaptation or are satisfied that it can be adapted at a reasonable cost.
- Applicants must be relocating within the Ashfield district. Consideration may be given to a move within Nottinghamshire but this would require the approval of the relevant district/borough council, whether or not adaptations are required and the scale of any adaptations before a relocation grant can be considered.
- A grant of up to £5,000 may be made available towards specific relocation expenses, which includes estate agent fees, legal costs, removal costs and up to a 75% contribution toward cooker and/or fridge if built-in appliances are being left behind and none are, or have been fitted in the new property.
- The cost of the relocation grant together with the cost of any adaptations required to the new property must demonstrate value for money, whether the move is within Ashfield or to another district/borough council in Nottinghamshire. For moves within Ashfield up to £10,000 may be available towards the cost of any adaptations. Any scheme likely to cost in excess of this figure will be considered on its own merits by the Council.
- Applications must be submitted prior to the relocation, grants cannot be paid retrospectively. Assistance will not be given toward the purchase price of the new property.
- The Council will normally require three to five quotations (depending on the cost of the project) from independent contractors that realistically reflect the cost of the works/service provided. In some circumstances, one estimate may be accepted if the Council is satisfied that the cost is reasonable.
- All applicants will be required to complete the move within 12 months from the

date of approval of their application. Any payments made will be made either directly to the service/work provider or to the grant applicant. Valid invoices or receipts must be provided prior to payment.

- If on sale of the applicant's existing property, a net equity of more than £10,000 is released, the Relocation Grant will only fund the physical removal costs. (Net equity refers to any equity released when the purchase price of the new property is less than the existing property's selling price).
- If the move is aborted through the fault of the applicant then costs will not be paid and any costs already paid will be reclaimed from the applicant. If the reason for the move failing is through no fault of the applicant then the Council will cover the costs.
- The new property must be the disabled person's main residence and no applicant will be awarded a Relocation Grant on more than one occasion.
- If the disabled occupant moves from the new property within 5 years then the grant must be paid back in full except in exceptional circumstances.

The Relocation Grant Scheme will be subject to the same Test of Resources as the mandatory Disabled Facilities Grant scheme unless the relocation is for a disabled child in which case no test will be applied.

Any Relocation Grant will be recorded as a land registry charge and will mirror those repayment conditions attached to mandatory DFG's that breach a £5,000 threshold.

1.4 General Requirements and Grant Conditions

The following general requirements and conditions will apply to both mandatory DFG's and discretionary DFG's.

Definition of a Disabled Person:-

For the purposes of the legislation relating to DFG's a person is defined as being disabled if:

- their sight, hearing, or speech is substantially impaired
- they have a mental disorder or impairment of any kind, or
- they are physically substantially disabled by illness, injury, impairment present

since birth or otherwise

A person aged under 18 is taken to be disabled if:

- they are registered in a register of disabled children maintained under the Children Act 1989, or
- in the opinion of the social services Council (Nottinghamshire County Council) they are a disabled child as defined for the purposes of Part III of the Children Act 1989

A person aged 18 or over is taken to be disabled if:

- they are registered as a result of any arrangements made under section 29(1) of the National Assistance Act 1948, or
- they are a person for whose welfare arrangements have been made under that section or might be made under it

Applicant's Criteria

The Council cannot consider an application for a mandatory or discretionary DFG unless it is satisfied that;

- 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, or
- the applicant is a tenant of the dwelling where the relevant works are to be carried out

Certificate required in case of owner's application

An owner's application for a DFG must be accompanied by an owner's certificate which will certify that the applicant has or proposes to acquire an owner's interest and that they intend that the disabled occupant will live in the dwelling as their only or main residence throughout a period of five years following completion of the works.

Certificates required in case of tenant's applications

A tenant's application for a DFG must be accompanied by a tenant's certificate which will certify that the application is a tenant's application and that the applicant intends that the disabled occupant (whether that is the applicant or someone in the applicant's household) will live in the dwelling as their only or main residence throughout a period of five years following completion of the works.

A tenant's application should be accompanied by an owner's certificate from the person who at the time of the application is the landlord under the tenancy. The Council can waive this where it is not reasonable in the circumstances to request a certificate.

Private tenants must obtain their landlord's written permission for the subject works before a DFG can be approved. Where a landlord withholds this permission for the works to be undertaken a grant cannot be approved. Any DFG approved would not include any element of reinstatement.

Occupiers and consent certificates (houseboats and park homes)

Occupiers of houseboats and park homes must provide an 'occupiers certificate' certifying the intention of the disabled occupier to occupy the qualifying houseboat or park home as his only or main residence throughout the grant condition period (5 years from the certified date). Any such certificate must also be accompanied by a 'consent certificate' from each person who owns the mooring or land on which the houseboat or park home is stationed or who owns the houseboat or park home.

1.5 Cost of Work

The Council uses public money to fund the provision of both mandatory and discretionary DFG's and as such it must take into account value for money.

When officers schedule the work to be carried out, they will ensure it meets the needs of the applicant but at the same time they will only prepare a basic specification. If grant applicants wish to have a higher or more complex specification that costs more, they will have to pay the difference themselves.

The applicant will be required to obtain three to five quotes, in line with the Council's constitution, for the cost of works (although the Council will do this for applicants if they request us to do so) – see section 11.0 below). The grant will usually be approved on the basis of the cheapest quote unless there are extenuating circumstances. Where the applicant wants to use a contractor that will cost more than the quote that is deemed acceptable by the Council, the applicant will have to pay the difference direct to the contractor. The Council will notify the contractor that the client will have to make a contribution and advise them of the value of the contribution.

If a grant applicant has a preferred scheme of works that meets their assessed need to the same degree as the scheme proposed by Council i.e. the provision of a ground floor extension in lieu of a vertical through floor lift installation, the Council will part fund the preferred scheme to the same degree as the grant eligible works. Any extra

over costs associated with the client's preferred scheme, including unforeseen works, architects fees etc., must be met by the grant applicant. Evidence that sufficient funds are in place must be made available prior to works starting. The Occupational Therapy Service will be consulted to ensure that the applicants preferred scheme meets their assessed need in full.

1.6 Means Tested Contributions

Applicants for DFG's will be required to complete a 'Test of Resources' form (means test) to determine whether any contribution is to be paid towards the cost of works. The Council will undertake such means tests in line with the prevailing statutory provisions in force at the point of application. At present parents of disabled children and young persons are not subject to a test of resources. In the majority of cases a Preliminary Test of Resources will be undertaken prior to the provision of an OT referral to provide the prospective applicant with an early indication of their likely contribution. Such preliminary tests will not be applied in cases where the OT is aware that the client is in receipt of a passport benefit.

Where the client has a contribution this will be paid into the Council's holding account before works proceed on site. Once the works have been completed and signed off as satisfactory the contribution will be released to the contractor.

1.7 Grant Approval

The Council is required to approve or refuse the grant within 6 months of a valid grant application being made. A valid application is deemed to be made when the following documentation is submitted:

A completed application form

- The appropriate certification (see 7.2 above) together with proof of ownership or tenancy
- The appropriate evidence of financial resources in order that the Council can undertake the Test of Resources
- The appropriate number of quotes

The Council is required to consult with the OT Service when making a decision on whether the works are necessary and appropriate to meet the needs of the disabled occupant.

Officers from the Council will work with prospective grant applicants to ensure the appropriate documentation is in place to make a valid application.

The Council will not approve an application for grant where the relevant work has already begun.

The Council will not approve an application for a DFG if the relevant works have been completed.

1.8 Payment of Grant

Completion of Work

The legislation requires the Council to pay the grant on condition that the work has been carried out to its satisfaction. It also states that it is able to pay the contractor direct where it has advised the grant applicant prior to the grant being approved that this would be the method of payment.

The Council has resolved through this policy that it will always pay the contractor direct and the grant applicant will be notified of this prior to the grant being approved.

The Council will inspect the works once completed and if in their professional opinion the work has been done satisfactorily will pay the contractor direct to the value of the grant. Any other payments that the grant applicant is responsible for must be made by the applicant.

If there is a dispute between the grant applicant and the contractor and the Council is satisfied that the work has been completed to a satisfactory standard, payment of any outstanding grant money will be made to the applicant and it will be the responsibility of the applicant to pay the contractor. If the Council is not satisfied with the standard of work it will retain the grant money until such time as any works issues have been resolved at which point it will pay the contractor or if the applicant is still not satisfied, it will pay the applicant.

Grant Entitlement Ceases

Where a grant applicant ceases to be entitled to a grant before completion of the works the legislation states that the Council cannot pay any grant or any further instalments (as the case may be) after that date. If the grant applicant makes an owner's application he ceases to be entitled to a grant when he ceases to have a qualifying owner's interest or ceases to have the intention specified in the owner's certificate

which accompanied the grant application. If the grant applicant makes a tenant's application he ceases to be entitled to a grant when he ceases to be a qualifying tenant of the dwelling or if the landlord ceases to have the intention specified in the owner's certificate submitted with the application.

The Council has the right under the legislation to demand any instalment that has already been paid to be repaid forthwith together with interest from the date on which it was paid until repayment. The Council will consider each case on its own merits in deciding whether to recover any such payments.

Changes in Circumstances

In some cases there is a change in circumstances after the grant has been approved that affects the payment of grant. These circumstances (which are prescribed in the legislation) are;

- where the works cease to be necessary or appropriate to meet the needs of the disabled occupant;
- the disabled occupant ceases to occupy the dwelling; or
- the disabled occupant dies

In such circumstances, the legislation states that the Council can take such action as appears to be appropriate and may decide:

- that no grant shall be paid or as the case may be, no further instalments shall be paid;
- that the works or some of them should be completed and the grant or an appropriate proportion of it paid; or
- that the application should be re-determined in the light of the new circumstances

The Council has the right under the legislation to demand any instalment that has already been paid to be repaid to the Council forthwith together with interest from the date on which it was paid until repayment. Each case will be considered on its own merits in deciding whether to recover any such payments.

Cases in Which Grant May be Recalculated, Withheld or Repaid

The Council is entitled to refuse to pay grant or any further instalment of grant which remains to be repaid or make a reduction in the amount of grant in the following circumstances:

- the Council ascertains that the amount of grant was approved on the basis of inaccurate or incomplete information and exceeds that which the grant applicant was entitled,
- the Council ascertain that without their knowledge the eligible works were started before the application was approved,
- the works are not completed within 12 months,
- the cost of works is less than the estimated expense upon which the grant was calculated,
- the work has been carried out by a contractor who was not one of the contractors who originally quoted for the work

Where any of the above situations arise, the Council can demand repayment by the applicant in whole or part, of the grant or any instalments of the grant paid together with interest from the date of payment until repayment. Each case will be considered on its own merits in deciding whether to recover any such payments.

Repayment in Case of Compensation

It is a condition of the grant that the applicant takes reasonable steps to pursue any relevant claim and to repay the grant so far as appropriate out of the proceeds of such a claim. A claim is:

- an insurance claim or legal claim against another person in respect of damages to the premises to which the grant relates, or
- a legal claim for damages in which the cost of the works to the premises to which the grant relates is a part of the claim, and a claim is a relevant claim to the extent that the works to make good the damage or the cost of which is claimed are works to which the grant relates.

In the event of a breach of this condition the applicant shall on demand pay to the Council the amount of grant so far as relating to any such works together with

compound interest from such date as may be determined or calculated at such reasonable rates as the Council may determine.

The Council may determine not to make such a demand or to demand a lesser amount. The assumption is that the amount will be demanded in full however on representations from the applicant, the Council will consider each case on its own merits.

General Provisions

Where work has commenced but grant entitlement has ceased and where the Council has decided that works or some of them should be completed and the grant or an appropriate portion of it has been paid the Council will arrange to make good the work so that the property is safe, secure and water-tight.

This may not include carrying out such work as finishing internal surfaces and plumbing any new facilities (unless these are the only facilities in the property) for example. Any work over and above making the property safe, secure and water-tight would have to be paid for by the applicant or some other appropriate person.

Deferring Grant Payment

The Council has the discretion to defer any payment of an approved grant for a period of up to twelve months from the date of grant approval. Any such decision must be set out within the grant approval notice.

1.9 Grant Conditions Following Completion

There are certain grant conditions that run for a period of time following the completion of the grant (the grant condition period). These conditions will run from the certified date i.e. the date at which the Council has certified that the works have been carried out to its satisfaction. The application of such conditions will only apply if the grant applicant has an owner's interest in the subject property and will remain in place for 10 years from the certified date.

Repayment in cases of disposal of the premises

The Council has resolved that it will demand repayment by the applicant of such part of the grant that exceeds £5,000 but will not demand an amount in excess of £10,000 if ;

the grant recipient disposes (whether by sale, assignment, transfer or otherwise of the premises in respect of which the grant was given within 10 years of the

certified date; and

The Council having considered

the extent to which the grant recipient would suffer financial hardship were they to be required to repay all or any of the grant;

whether the disposal of the premises is to enable the grant recipient to take up employment or to change the location of their employment;

whether the disposal is made for reasons connected with the physical or mental health or wellbeing of the grant recipient or of a disabled occupant of the premises; and

whether the disposal is made to enable the grant recipient to live with, or near, any person who is disabled or infirm and in need of care which the grant recipient is intending to provide or who is intending to provide care of which the grant recipient is in need by reason of disability or infirmity;

Is satisfied that it is reasonable in all the circumstances to require the repayment.

If a grant recipient is of the opinion that any of the exemptions may be appropriate then they will be required to submit written representations to the Council setting out their case in full. The decision on whether to waive either all or a proportion of the grant recovery will be made by the Director of Housing & Assets

This condition is a local land charge and is binding on any person who is for the time being an owner of the dwelling or building.

1.10 Installation of Equipment and Maintenance

Equipment which can be installed and removed fairly easily with little or no structural modification will not be funded by either a mandatory or discretionary DFG. The cost of supplying such equipment will fall to Nottinghamshire County Council.

Typically the type of equipment that will be covered by a mandatory DFG includes (this is not an exhaustive list):

- Stair lifts
- Ceiling track hoists (excluding slings)
- Through floor lifts

- Rise and fall showering tables that are electrically powered
- Wash and dry toilets
- Body dryers

Where the provision of equipment is funded by a mandatory DFG it is usually the responsibility of the applicant to take out the necessary insurances and maintenance agreements to ensure the equipment is properly maintained. 5 year extended warranties will be provided and paid for through the grant.

If a grant application is made for replacement of defective/obsolete equipment it will not be approved if it can be shown that the equipment can be repaired at a reasonable cost in comparison to renewal. In such cases the costs of the repairs will fall to the householder.

1.11 Contractual Relationships

Following the referral from the Occupational Therapy Service at Nottinghamshire County Council, officers from Ashfield District Council will schedule the works that are required. If a referral is received from a private OT officers will consult with the OT service at Nottinghamshire County Council.

The scheduled works will form the basis upon which contractors quote. As referred to in Section 8 the grant applicant will need to obtain the relevant amount of quotes, however, officers will source such quotes on behalf of the applicant if requested. The Council reserves the right to charge a fee for this and associated services i.e. scheme design, producing plans and specification, release of interim payments, assistance with the completion of application forms etc. The costs of this will form part of the grant.

Whilst work is being undertaken officers will wherever possible visit the property to ensure that the work is being undertaken as per specification and when the work is completed, the officer will carry out a final inspection, with the OT, to ensure it has been completed satisfactorily.

Grant applicants must be aware however that the Council is in no way responsible for the work of the contractor and that there are no contractual obligations between the contractor and Ashfield District Council.

The purpose of the final inspection is simply to protect the public purse. All contractual relationships with respect to carrying out the work are between the grant applicant and the contractor.

If there is a dispute between the grant applicant and the contractor, the Council will not be able to get involved unless by some act or default the Council has caused the issue which has led to the dispute.

PART 2 – Adaptations to Council Properties

2.1 – Legal and Regulatory Framework

In determining this policy regard has been given to the Council's Allocations Policy alongside the Regulatory Framework for Social Landlords, which states that Registered Providers shall:

- Offer tenancies or terms of occupation which are compatible with the purpose of the accommodation, the needs of individual households, the sustainability of the community and the efficient use of their housing stock.
- Co-operate with the local authorities' strategic housing function and their duties to meet identified local housing needs. This includes assistance with the local authorities' homelessness duties and through meeting obligations in nominations agreements.
- Co-operate with relevant organisations to provide an adaptations service that meets tenants' needs.
- Develop and deliver services to address under-occupation and overcrowding in their homes within the resources available to them. These services should be focused on the needs of the tenants and will offer choices to them.
- Provide tenants wishing to move with access to clear and relevant information about their housing options.

The Equality Act 2010 includes a duty for public bodies when carrying out their functions to have due regard to eliminate discrimination and promote equality and the Council will strive to achieve this wherever possible.

Discrimination on grounds of disability can be justified in law if the council has appropriately balanced the needs of the person with a disability and those of others in need of accommodation. Making better overall use of the housing stock and meeting more needs, including those with disabilities, is a legitimate aim.

The Equality Act 2010 'Duty to make Reasonable Adjustments' applies to Landlords and Managers of rented premises or premises available to rent. This duty is not

anticipatory – it only arises if the Council are requested to make an adjustment by a person to whom the premises are let or by someone on their behalf.

There are two requirements under the Act:

- Providing auxiliary aids and services
- Changing provisions, criteria or practices (e.g. allowing a disabled person who uses an assistance dog to take a property that might otherwise have stipulated 'no dogs')

There is no legal requirement under the Equality Act for the Council to make any changes which would consist of or include the removal or alteration of a physical feature of the property which includes:

- Any feature arising from the design or construction of a building
- Any feature of any approach to, exit from or access to a building
- Any fixtures or fittings in or on a premises
- Any other physical element or quality

The cost of adaptations and the suitability of the current accommodation (including under occupation) are relevant factors when considering proportionality. Alternative means of meeting needs other than adapting the current property include transfers to more suitable accommodation or tenants contributing to costs may also be considered.

2.2 – Adaptations overview

The purpose and reasons for adapting Council properties mirrors those in the private sector, as explained in section 1.1.

Aids and adaptations to Council properties are divided into three broad categories; small scale, large scale and major adaptations. The type and value of the work will determine into which category it falls.

The annual funding for aids and adaptations is a fixed amount and all adaptations are subject to budget availability.

The Council will normally separate the annual aids and adaptations budget into two budget pots, one for small scale adaptations, the other for large scale and major adaptations. The budget split will be agreed annually.

Where budgets allow, the Council will fund major adaptations up to a value of £40,000. This figure represents the maximum amount of DFG grant, including any discretionary element and so ensures consistency across tenures. The upper limit will change to reflect changes to the maximum DFG grant.

The Council will obtain value for money in respect of all adaptations. The Council's Financial Regulations and Contract Procedure rules will be followed at all times.

2.3 - Eligibility

Who is eligible?

Aids and Adaptations will only be considered for Ashfield District Council tenants, their partner or a member of the immediate family who is permanently resident in the household. The individual must have an impairment which has a serious long-term effect on their ability to carry out normal day-to-day activities, see Section 1.4 definition.

Adaptations for children of tenants will only be completed at the property which is the principal home.

Who is not eligible?

Large scale and major adaptations will not be approved for individuals who are waiting for medical procedures which will improve health and mobility until their expected recovery is complete. Adaptations will be considered when the applicant is waiting to be discharged from hospital and require their current homes to be adapted, however it may not be possible for them to be completed prior to discharge.

Adaptations will not be carried out for lodgers or temporary visitors or where an additional adult (requiring adaptation) has joined the household on permanent basis within the previous 52 weeks.

Requests for large scale and major adaptations will not be approved where a Right-to-Buy application has been received. Tenants in these cases will be signposted to the assistance available through the council's DFG programme once they have bought their home.

Tenants seeking to Transfer or Mutual Exchange will be considered on their individual merit and whether they are leaving or going to a suitably adapted property will form part of this consideration.

The Council will not normally progress with an adaptation where possession proceedings have commenced or a possession order is already in place.

2.4 – Small scale adaptations

Small scale adaptation are those that typically cost £500 or less to supply and install. They include (not exhaustive list);

RAILS	Grab rails Newel rails Hand rails Additional stair rail
KITCHENS AND BATHROOMS	Lever taps Fixed Toilet Frame Drop down shower seats Raised WC pan
ACCESS	Level door threshold Half steps Key safes (certain criteria will apply)
VISUAL IMPAIRMENT	Door entry intercom (simple speaker phone)
HEARING IMPAIRMENT	Flashing/amplified doorbells Vibrating Flashing Smoke alarm alerts
GENERAL AND SAFETY MATTERS	Location and number of electric sockets

An application for a small scale adaptation can be made direct to the Council. An online application form is available via the Council's website. A request can also be submitted through the Council's Repairs Call Handling Centre or the local Housing/Council Office.

The application will be assessed to determine if the applicant is eligible for assistance (sec 2.3) and that the adaptation work is both **necessary and appropriate** and also **reasonable and practicable** (sec 2.5). For small scale adaptations approval will normally be given unless there is a clear and obvious reason why it should be refused.

The applicant will be advised of the outcome of the assessment. If the adaptation has been refused the applicant will be advised of the refusal reasons and the appeals

process. When a small scale adaptation has been approved the applicant will be advised of the timescale for completion.

All small scale adaptations will be completed free of charge but will cease to be available in any given year once the annual budget is exhausted.

2.5 – Large scale adaptations

Large scale adaptation will be those that typically cost between £500 - £10,000 to supply and install. They include (not exhaustive list)

RAILS	External steel handrail runs
KITCHENS AND BATHROOMS	Replacing baths with level access shower Over-bath shower Kitchen suitable for wheelchair user Wash/dry WC
ACCESS	Access ramp Stair lift Through-floor lift Vehicle hard standings and dropped kerb Door widening Ceiling track hoist Widened footpath

An applicant cannot apply direct to the Council for a large scale adaptation, in all cases the applicant will be advised to contact Nottinghamshire County Council's Occupational Therapy Team.

An Occupational Therapist (OT) will conduct an assessment of the applicant's needs, this may include working with other health professionals, such as a medical consultant or GP. If appropriate, the OT will then submit an adaptation referral to the Council for consideration.

Assessing a referral

The Council will need to satisfy itself that the adaptation work recommended is both **necessary and appropriate** and also **reasonable and practicable**. To determine this the Council will consider the following;

- The total value of the proposed adaptation (including design costs, Building Regs, etc)
- The availability of alternative social housing for the applicant which meets the needs of the household
- The availability of housing that would be more suitable to adapt
- Any exceptional circumstances which require the person to remain in their current property
- Whether the property is suitable for building alterations as determined by the council
- The size of the household and their housing need
- The occupants' status, the type of tenancy held and any pending possession action.
- The person's wider physical health needs and the length of time that they will remain in the property

The Council will not normally undertake a large scale adaptation in the following circumstances:

- Where an applicant is;
 - Under occupying their home by more than one bedroom
 - Living in an overcrowded home
 - Waiting to transfer to another property.
- Where the adaptation is unreasonable, for example installing a level access shower to a flat above ground floor which cannot be accessed by an existing lift.
- Where there is other suitable alternative adapted, part adapted accommodation or where it is considered likely that a potentially more suitable property will become available within 12 months of the request being made.
- Where an adaptation would adversely affect the Council's ability to make the best use of the stock and re-let the property in the future.

- where the applicant's condition is such that further adaptations will be required over time and during that time it is considered likely that alternative suitable accommodation will be available
- Where an adaptation would place others at risk e.g: a communal stair lift with no alternative access for other first floor residents
- Other than in exceptional circumstances, where a person is leaving a property with suitable adaptations already present within 5 years of those adaptations being completed.
- Where the building is unsuitable for adaptation due to its construction

Test of resources

Applicants being considered for a large scale adaptations with an estimated value of **£2000** or more will be subject to a test of resources (Sec 1.6). Means testing will not apply if the adaptation relates to a child.

If a referral includes a request for 2 large scale adaptations, such as a stair lift and level access shower, the combined estimated value will be considered.

Where the applicant has a contribution this must be paid in full before works start on site.

Approval process

The Assessing Officer will complete an Assessment Report that will include their recommendations. The Report will be considered by the Service Manager who will decide whether to approve the recommendations.

If an adaptation referral is refused the applicant will be advised of the refusal reasons and the appeals process (Part 3). If the referral is approved the applicant will be advised how the Council intends to proceed with the works and an approximate timescale.

The number of adaptations undertaken in any one financial year will be limited to the budget set for that year.

2.6 – Major Adaptations

Major adaptations will be those that typically cost £10,000 or more to supply and install.

Major adaptations will normally include;

- Property extension
- Property conversion (e.g. loft or garage)
- Complex major adaptations where the value of works exceed £10,000
- Multiple major adaptations where the combined value of works exceeds £10,000

The application and assessment process for major adaptations is the same as that for large scale works. All referrals must be made through the Occupational Therapy Team (sec 2.5) and all recommended adaptation works must be assessed to ensure they are **necessary and appropriate** and also **reasonable and practicable** (sec 2.5).

Normally, unless the referral has been identified by the Occupational Therapist as an urgent priority the Council will seek to identify more suitable accommodation for the applicant over a 12 month period. This principle reflects the need to make the best use of the existing stock of Council properties and we achieve value for money in regards to the adaptations budget.

During the 12 month period the Council will engage with the applicant and encourage them to consider alternative accommodation that is either suitable for their needs or more suitable for adaptation. Appropriate priority will be awarded through the Housing Register to ensure the applicant is considered for suitable accommodation.

The Council will consider if there are any interim works that can be completed during the 12 month period to assist the applicant.

Test of resources

Applicants being consider for a major adaptation will be subject to a test of resources (sec 1.6). Means testing will not apply if the adaptation relates to a child.

Where the outcome requires the applicant to contribute towards the cost of the adaptations, a minimum of 50% of the contribution will be required at the start of the works with the remainder upon completion.

Approval process

The Assessing Officer will complete an Assessment Report and this will be submitted to the Director of Housing and Assets for consideration.

The applicant will be advised of the outcome and reasons associated with the decision.

If the decision is to seek suitable alternative accommodation for a 12 month period then at the end of the 12 month period the case will be reviewed and reconsidered if suitable accommodation has not been identified,

If the applicant has failed to engage during the 12 month period or suitable alternative accommodation has been refused this will form part of consideration when case is

reviewed. The Council will not normally approve a major adaptation if an applicant has failed to cooperate and consider all housing options.

The number of adaptations undertaken in any one financial year will be limited to the budget set for that year.

2.7 - Rent and service charges

A service charge will be applied to cover the costs of annual servicing, testing and maintenance of large scale and major adaptations.

Service charges will be limited to a maximum of two per property and will be payable weekly with the rent. If the tenant is in receipt of support for their housing costs, the charge may be covered in part or in full in accordance with the benefits regulations.

Rent increases will also be made where the structure of the building is increased in size to accommodate an adaptation or internal modifications e.g. an additional room.

Adaptations subject to weekly service charge include;

- Stair lift
- Through floor lift
- Tracked hoists

Adaptations subject to weekly rent increase include;

- Bedroom/living room extension
- Bathroom extension
- Loft or garage conversion

The service charge and additional rent payment will be reviewed annually.

2.8 - Properties that cannot be adapted

If an applicant with an adaptation need is living in a property assessed as not being suitable to adapt the applicant will be encouraged to join the Council's Housing Register and seek alternative accommodation. Through the Lettings Policy, the applicant will be prioritised to ensure they are considered for accommodation suitable for their needs.

The Council has a good stock of properties with pre-existing large scale adaptations. The number of properties with major adaptations is more limited. In order to try and make the best use of the housing stock, when a property with pre-existing adaptations

becomes vacant it will normally be ring-fenced to housing applicants with adaptation needs (sec 2.10).

As the Council has a good stock of properties with pre-existing large scale adaptations it would not normally adapt a property with no pre-existing adaptations. The exception to this would be an applicant who has been assessed as having a very urgent need for rehousing (band 1) and where there are no suitable vacant properties and there is little likelihood of a suitable property becoming vacant within a reasonable period.

Where an applicant living in an unsuitable property has a need that would normally be met through a major adaptation, if the applicant has been assessed as having a very urgent need for rehousing (band 1) a Report will be produced and submitted to the Director of Housing and Assets for consideration. Normally a 12 month search for a suitable property will be conducted (sec 2.6).

At the end of the 12 month period the case will be reviewed and reconsidered. If the applicant has fully engaged but there has been no suitable properties become available normally approval will be given to adapt a property with no pre-existing adaptations. Any such approval will be subject to the normal rules regarding the upper limit on costs and budget availability.

If the applicant has failed to engage during the 12 month period or suitable alternative accommodation has been refused this will form part of considerations when case is reviewed. The Council will not normally consider adapting a property with no pre-existing adaptations if the applicant has failed to cooperate and consider all housing options.

Applicants with a large scale or major adaptation need who have not been placed in the highest housing need category (i.e. bands 2-5) will only be considered for properties with suitable pre-existing adaptations.

2.9 – Housing Register applicants

Applicants on the Housing Register who are not existing Council tenants will normally only be considered for properties that are suitable for their needs, i.e. those with suitable pre-existing adaptations.

Exceptions to this include;

- Where an applicant needs small scale adaptation(s)
- Where a property is part adapted and further adaptations are considered reasonable to make the property suitable for the applicant's needs. For example, a bungalow with ramped access and a wet room installed but needs door widening to make it suitable for a wheelchair user.

To understand their needs an applicant will normally be advised to contact the Occupational Therapy Service. To ensure we are considering an applicant for accommodation that is both safe and suitable for their needs the applicant will not normally be eligible to bid for properties until confirmation of their needs has been received.

The Council is aware of the needs of applicants on the Housing Register and where an applicant's needs cannot be met because of the limitations of the Council's stock of properties assistance will be given to identify and access private sector properties.

2.10 - Letting adapted properties

The Council will maintain a register of adapted properties and this will be updated on a regular basis when new adaptations are fitted or removed. Where possible the register will be made available to the general public so those in need can understand the number and type of adapted properties within the Council's housing stock.

When an adapted property becomes vacant it will be advertised and made available to applicants on the Housing Register with the adaptation need. If the property advert fails to find a suitable applicant the property may be re-advertised until a suitable applicant is identified.

In exceptional circumstances, where a property has adaptations that make it particularly suitable for an applicant the property may be allocated to that applicant on a 'Direct Let' basis.

If an adapted property is let to an applicant who does not need the adaptation the applicant will accept the property on the basis that the adaptation will remain in the property. For example, if a level access shower is fitted it will not be replaced for a bath. The only exception to this is where a stair lift is fitted, this will be removed upon request.

2.11 – Prioritising adaptations

Wherever possible small scale adaptations will be completed in date order, based upon the application date. Circumstances beyond the control of the Council, such as a need to order specialist equipment could impact upon this.

Once approved, the Council will also seek to complete large scale adaptations and major adaptations in chronological order, based upon the date the referral was received from the Occupational Therapist. However, delays in identifying a suitable property, in ordering specialist equipment and in finding a suitable contractor could impact on this.

Cases identified by the Occupational Therapist (or other officers/agencies) as an urgent priority will be escalated appropriately.

2.12 – Tenants own aids and adaptations

In some circumstances tenants may wish to install their own aids and adaptations, such as a shower over bath or stair lift. The Council will need to give the tenant permission in writing through its Permissions Procedure. Introductory tenants may be able to undertake these works if supporting evidence is provided from their Occupational Therapist or General Practitioner.

Aids and adaptations installed by a tenant will not normally be maintained by the Council. The tenant will be responsible for any servicing or repair costs. Likewise, any Planning or Building Regulation fees and costs will be met by the tenant.

In the case of tenant installed aids and adaptations, at the end of the tenancy the tenant will be required to remove them and make good any damage to the property. Alternatively, if the Council agrees to take responsibility for the alterations the tenant will be asked to sign over ownership free of charge.

PART 3 – Reviews and Complaints

If a resident or tenant is dissatisfied with a decision made under Part 1 or Part 2 of this Policy they can request a review of the decision. The review will normally be conducted by a Senior Officer not involved in the original decision.

If the resident or tenant remains dissatisfied with the outcome or they wish to complain about the quality of service they have received they can submit a formal complaint.

The Councils Corporate Complaints Policy is based on a two stage procedure:

Stage 1 Complaint – First Contact complaint

Stage 2 Complaint – Service Review

If the complainant remains dissatisfied at the end completion of stage 2 they will be advised to contact the relevant Ombudsman.

Report To:	CABINET	Date:	10TH SEPTEMBER 2018
Heading:	PRIVATE SECTOR HOUSING RENEWALS POLICY		
Portfolio Holder:	COUNCILLOR JOHN WILMOTT – CABINET MEMBER (OUTWARD)		
Ward/s:	ALL		
Key Decision:	YES		
Subject to Call-In:	YES		

Purpose of Report

To advise Members of the Council's obligation to publish a Private Sector Housing Renewal Policy and to seek approval of the Council's Policy.

Recommendation(s)

- **To approve the Private Sector Housing Renewal Policy, attached at Appendix A.**
- **To give delegated authority to the relevant Director and Portfolio Holder to approve any minor changes to the Policy that are needed due to changes in legislation, regulation or good practice.**

Reasons for Recommendation(s)

The Council has both statutory duties and discretionary powers to provide financial assistance to improve private sector housing conditions in the district.

Under the Regulatory Reform Housing Assistance (England and Wales) Order 2002, the Council is required to publish information on the assistance available to improve private sector housing conditions. This policy sets out the assistance available in Ashfield for private sector residents.

The Policy will be reviewed annually and minor changes are likely to be needed to reflect changes to service provision, funding, etc, hence the request for minor changes to be approved without the need for additional Cabinet consent.

Alternative Options Considered

Not publishing information on the assistance available to improve private sector housing conditions – this was not considered as the Council is required by the above Order to publish this information.

Detailed Information

The attached policy sets out in detail the assistance available through the Council to improve private sector housing conditions. The main elements of the Policy can be summarised as follows.

- Providing adaptations for disabled persons

Disabled Facilities Grants (DFG) are provided to help meet the cost of adapting a property to ensure a disabled adult or child can continue to live independently. Adaptations available through the DFG scheme include stair lifts, wet rooms, level access showers, ramps to main entrance doors.

A mandatory DFG of up to £30,000 is available to eligible clients. An additional discretionary top up of up to £10,000 is available for large scale works that exceed the mandatory limit.

- Affordable Warmth and Preventative Grants

Residents with long term health conditions that are exacerbated by living in a cold home can be considered for an Affordable Warmth Grant. Under the scheme eligible residents benefit from improvements to their heating system, this could range from new thermostatic radiator valves to a full replacement system.

In addition, as part of the assessment process consideration is given to the wider needs of the residents and whether any additional works are needed in order to prevent hospital admissions and help ensure the resident is able to remain independent in their home.

- Handyperson Adaptation Service (HPAS)

The HPAS service helps people to remain safe and secure in their homes through minor adaptations and small practical jobs.

Works up to the value of £1000 are completed and typically include the supply and installation of grab rails, hand rails, half steps, lever taps, key safes, etc. The service is delivered by Nottinghamshire County Council on behalf of the Council.

- Assistive Technology Service

Through the service, older and vulnerable residents are supplied with technology sensors appropriate for their needs. This includes fall detector sensors, smoke/heat detectors and flood detectors. The sensors are monitored through a 24/7 Support Centre, with emergency assistance being requested if the resident is in difficulty.

With the exception of the door replacement service, the other services above are funded through Better Care Funding.

DFG's and Affordable Warmth Grants are both means tested grants.

A separate Aids and Adaptations Policy provides further detail on the DFG process, who is eligible, the range of works undertaken, etc.

Implications

Corporate Plan:

This policy supports the Council’s housing vision to: “ensure the population of Ashfield are living in or can access homes that are affordable, warm and within a safe community that promotes the health and wellbeing of residents”

Legal:

Under the Regulatory Reform Housing Assistance (England and Wales) Order 2002, the Council is required to publish information on the assistance available to improve private sector housing conditions.

The provision of Disabled Facilities Grants (DFGs) is mandatory under the provisions of Section 23 of the Housing Grants, Construction and Regeneration Act 1996.

Finance:

The assistance offered through this policy is funded through the Better Care Fund, which is awarded by central government each year. Applications for assistance under this policy will be considered on a first come first served basis and administered under local policies. Once the funding is exhausted, no further applications will be accepted until further funding becomes available.

Budget Area	Implication
General Fund – Revenue Budget	Not applicable
General Fund – Capital Programme	Not applicable
Housing Revenue Account – Revenue Budget	Not applicable
Housing Revenue Account – Capital Programme	Not applicable

Risk:

Risk	Mitigation
There are no risks associated with approving this policy	

Human Resources:

There are no human resource implications associated with approving this policy

Equalities:

This policy has a positive impact for older and/or disabled residents as it provides them with assistance to live independently, feel safe and/or improve the thermal comfort of their home. This policy focuses on owner occupied households, however conditions in the private rented sector are addressed through advice and enforcement by the Private Sector Enforcement Team.

Other Implications:

(if applicable)

Reason(s) for Urgency

(if applicable)

Reason(s) for Exemption

(if applicable)

Background Papers

(if applicable)

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Ashfield District Council
Private Sector Housing Renewal Policy

1. Introduction

The Council has both statutory duties and discretionary powers to provide financial assistance to improve private sector housing conditions in the district.

This policy meets the requirements of the Regulatory Reform Housing Assistance (England and Wales) Order 2002 to publish information on the assistance available to improve private sector housing conditions.

This policy supports the Council's housing vision to: "ensure the population of Ashfield are living in or can access homes that are affordable, warm and within a safe community that promotes the health and wellbeing of residents"

This policy also supports the delivery of the objectives contained in the Housing Strategy 2016-20 and the forthcoming Private Sector Renewal Strategy. The latter has identified the households worst affected by poor housing conditions and this policy seeks to target those most in need. This means that this policy focuses mainly on assisting owner occupied households. Conditions in the private rented sector are addressed through advice and enforcement by the Private Sector Enforcement Team.

The objectives of this policy are:

- To provide adaptations to assist disabled owner occupiers to live independently
- To provide warm homes for those living with long term health conditions exacerbated by living in a cold home
- Target assistance to those most in need
- To enable older residents to continue living independently at home and feel safe

2. Scope

This policy applies to private sector residents in Ashfield. It does not apply to the Council's social housing tenants.

The assistance offered through this policy is funded through the Better Care Fund, which is awarded by central government each year and subdivided at a County level. Applications for assistance under this policy will be considered on a first come first served basis and administered under local policies. Once the funding is exhausted, no further applications will be accepted until further funding

becomes available.

3. Providing Adaptations for Disabled Persons:

The provision of Disabled Facilities Grants (DFGs) is mandatory under the provisions of Section 23 of the Housing Grants, Construction and Regeneration Act 1996.

A DFG is a grant to help meet the cost of adapting a property where a disabled¹ adult or child lives so that it meets their needs and they can continue living there independently. Adaptations available through the DGF scheme include stair lifts, wet rooms, level access showers, ramps to main entrance doors.

The assessment of need is carried out by Occupational Therapy Service at Nottinghamshire County Council and then referred to Ashfield District Council for the adaptations to be carried out. Ashfield District Council will assess whether the work is reasonable and practicable to be carried out having regard to the age and condition of the property. Ashfield District Council will then administer the grants

The maximum amount of mandatory DFG, at the time of writing this policy is £30,000. The Council may also provide an additional maximum discretionary top-up amount of £10,000, (including any ancillary charges) where circumstances are such that the cost of work exceed £30,000. For schemes costing over £40,000, the applicant may apply to Nottinghamshire County Council for top-up assistance to make up the difference in costs prior to approval or utilise their own funds. The Council will cover the costs of any genuinely unforeseen/extra works post approval.

All applications regarding disabled adults are means tested. Applications regarding disabled children under the age of 19 are exempt from means testing.

In line with the Act a land charge will be placed on the adapted owner occupied properties which will remain in place for 10 years from the certified date. The charge will be recovered where the property is sold or otherwise disposed of within 10 years of the grant works being completed. Charges are placed for grants over £5,000 up to a maximum limit of £10,000.

If the grant is subject to repayment conditions then the Council will take the following into account when asking for repayment:

- a) The extent to which the recipient would suffer financial hardship if the grant was reclaimed;
- b) Whether the disposal of the property was to enable the recipient to take up employment, or change the location of their employment;
- c) Whether the disposal of the property is made for reasons of the recipient's physical or mental health or wellbeing, or;

¹ A definition of a disabled person is given in Section 100 of the Housing Grants, Construction and Regeneration Act 1996

- d) Whether the disposal is made to enable the recipient to live with, or near any person who will provide care for the recipient by reason of their disability.

Having considered all of these factors the Council must be satisfied that repayment is reasonable in the circumstances.

The land charge period will be a maximum of 10 years from the date certified by the Council as being the date on which all eligible works are completed to the satisfaction of the Council.

4. Affordable Warmth and Preventative Grants:

It is well established that the condition of a person's home can have a negative impact on their health. For many households the most effective solution to a housing problem may not be a move to alternative accommodation, but instead being able to access help to maintain their home to a decent standard, or in some circumstances, to adapt their home to meet their specific requirements. By improving, adapting and maintaining homes the likelihood of an occupant becoming ill from poor housing conditions is reduced, this in turn helps to reduce the number of people admitted to hospital.

Three of the most common hazards found in homes are:

- Excess cold
- Falls
- Damp and mould

Grants are available to owner occupiers within the Ashfield district to help create safer and healthier homes by targeting these specific areas in the form of affordable warmth and preventative grants.

A maximum grant of £10,000 is available to cover adaptations in the home including works such as:

- Boiler and heating system replacements (where existing systems are not functional)
- Boiler and heating system installations (where there is no current central heating system installed)
- Boiler repairs
- New heating controls
- Insulation
- Replacement doors and windows (where the existing are wooden, aluminium or single glazed)
- Providing wet rooms
- Access/Egress to the property

For the purpose of the affordable warmth grant the applicant must be able to prove that they have a qualifying health condition, including the following:

- Atrial fibrillation/heart flutter
- Angina/coronary heart disease
- Heart Failure
- Peripheral arterial disease (PAD)
- Hypertension/high blood pressure
- Osteoporosis/brittle bones
- Transient Ischaemic Attack (TIA)/mini stroke
- Asthma
- COPD
- Rheumatoid arthritis
- Diabetes
- Cancer

Assistance will only be offered once an assessment of the property has been carried out by the Council. Private rented properties will not be eligible for Affordable Warmth assistance for physical improvement of the property however assistance can be offered in the form of energy advice, tariff switching, benefit maximisation, heating controls.

Assistance will be subject to a means test, the mandatory DFG means test will be used to determine any contribution.

The provision of assistance will be subject to a land charge being placed on the adapted property which will remain in place for 10 years from the certified date. The charge will be recovered where the property is sold or otherwise disposed of within 10 years of the grant works being completed. Charges are placed for grants over £5,000 up to a maximum limit of £10,000.

5. Handyperson Adaptation Service

Nottinghamshire County Council delivers a Handyperson Adaptation Service (HPAS) across the county that helps people be safe and secure in their homes through minor adaptations and small practical jobs.

The adaptations service provides and installs up to £1,000 worth of adaptations in a single job, including items such as: grab rails, hand rails, half steps, lever taps, key safes, etc. Standard jobs will be completed within 5 working days.

There is a priority service available to anyone requiring the service to enable them to be discharged from hospital. Hospital discharge jobs will be completed within 1 – 2 working days.

The handyperson service can complete small jobs to contribute to enable someone to continue living independently at home (see appendix for full list), such as fixing loose carpets to prevent a fall. There is a £15 charge for this service, plus the cost of the materials used.

The service is open to anyone living in the private sector in Nottinghamshire aged 60 or older, or any adult with a disability. This service can be accessed by contacting Nottinghamshire County Council.

6. Assistive Technology

Assistive technology is equipment that individuals can use to help them live safely and independently in their own home, including sensors that are monitored 24/7 by a support centre associated with the Council. Equipment available to all Ashfield residents includes:

- Fall detector
- Smoke/heat detector
- Flood detector
- Bogus caller/panic alarm
- Property exist sensor
- Bed occupancy sensor

Equipment is provided free of charge following a needs assessment and the monitoring service provided by the support centre is free of charge for the first 3 months.

This service is provided by the Housing Team.

7. Appeals about Decisions in Individual Cases

Appeals against the refusal of assistance will be considered in the first instance by the DFG Project Manager. All appeals must be in writing and sent to Ashfield District Council, Urban Road, Kirkby in Ashfield, Nottingham, NG17 8DA. This submission must be clear as to the reasons for the appeal.

Appeals will only be considered on the following grounds:

- That the strategy has not been applied correctly, for example there has been a mistake in the application of the strategy to the specific case,
- That the case in question is somehow exceptional in a way that justifies an exception to the general strategy.

Appeals will not be considered on the grounds that the person disagrees with the strategy. However any written comments and complaints about the strategy will be considered.

8. Monitoring and review

This policy will be review in 3 years or sooner if there is a significant change in legislation or funding

Service Summary

Assistance	<u>DISABLED FACILITIES GRANT (DFG)</u> <u>Mandatory assistance</u>
Purpose	A DFG is a grant to help meet the cost of adapting a property where a disabled adult or child lives so that it meets their needs and they can continue living there independently.
Eligibility	<p>To be eligible for a DFG the work that is required must be necessary and appropriate to meet the needs of the disabled occupant. This is assessed and determined by an Occupational Therapist and then referred to the Council.</p> <p>The Council also has to be satisfied that the relevant work is reasonable and practicable to carry out having regard to the age and condition of the dwelling.</p>
Eligible Work	<p>The work that can be carried out is work to:</p> <ul style="list-style-type: none"> ▪ Facilitate access in and around the dwelling including access to the garden ▪ Facilitate access to a room useable for sleeping ▪ Facilitate access to a bathroom ▪ Facilitate the preparation and cooking of food ▪ Improving the heating system to meet the need of the disabled occupant ▪ Facilitate the use of a source of power, light or heating
Financial Arrangements	<p>The maximum mandatory grant is £30,000. The Council will provide a discretionary top-up of up to £10,000 where the cost of works exceed £30,000 (including any ancillary charges such as architect costs). For schemes costing over £40,000, the applicant may apply to Nottinghamshire County Council for top-up assistance to make up the difference in costs prior to approval. The Council will cover the costs of any agreed unforeseen works post approval.</p> <p>Except for where the grant is for the benefit of a child or young person, the applicant will be means tested and therefore the amount of grant may be less than the cost of work. The contribution must be paid to the Council's holding account by the client before any work can commence. This will then be paid direct to the contractor upon satisfactory completion of work.</p>
Application	Application for assistance is made using a DFG application form obtainable from the DFG Team, Ashfield District Council.

Payment	Payment is made directly to the contractor on satisfactory completion of the work. Applicants who have to contribute towards the cost of work will be expected to pay this into the Council's holding account before works proceed and will be paid direct to the contractor upon completion.
Conditions	<p>There is a five year grant condition period during which the owner must have an owner's interest in the dwelling and intend to live within the dwelling as their only or main residence.</p> <p>If the applicant receives compensation (related to the cause of the disability) which includes an allowance towards disabled adaptations following the completion of the work, the grant is repayable.</p> <p>A land charge will be placed on adapted owner occupied properties which will be recovered where the property is sold or otherwise disposed of within 10 years of the grant works being completed and where the cost of the DFG exceeds £5,000. The limit of the maximum charge is set by Government and is currently £10,000.</p>

Assistance	<u>AFFORDABLE WARMTH AND PREVENTATIVE GRANTS</u> <u>Discretionary Assistance</u>
Purpose	To make properties safer and improving the energy efficiency which in turn will lead to a reduction in carbon emissions and reduce fuel poverty for those living with long term health conditions exacerbated by living in a cold home, therefore improving health and wellbeing.
Eligibility	<p>Affordable warmth grants are available to owner occupiers only with certain long term health conditions exacerbated by the cold. For the purposes of the programme, the eligible health conditions are:</p> <ul style="list-style-type: none"> • Atrial fibrillation/heart flutter • Angina/coronary heart disease • Heart Failure • Peripheral arterial disease (PAD) • Hypertension/high blood pressure • Osteoporosis/brittle bones • Transient Ischaemic Attack (TIA)/mini stroke • Asthma • COPD • Rheumatoid arthritis • Diabetes

	<ul style="list-style-type: none"> • Cancer <p>Applicants must be able to provide suitable evidence of their condition, such as a GP letter or repeat prescriptions.</p> <p>Both Affordable Warmth and Preventative grants will require the applicant to have lived in the property as their main residence for a minimum of 1 year prior to application.</p>
Eligible Work	<p>Works will be determined by the Council following an assessment of the home. A schedule of works will be drawn up by the Council and agreed by the service user before the grant is formally approved.</p> <p>Works to habitable areas of the property can be included only and any works relating to sheds, outbuildings, conservatories and gardens for example will be excluded from eligible work.</p>
Financial Arrangements	<p>A grant is available up to a maximum of £10,000 (including VAT and a contingency sum). Assistance will be offered subject to the availability of resources at the time of application.</p>
Application	<p>Applications are made to the DFG Team at Ashfield District Council.</p>
Payment	<p>Payment is made direct to the applicant's contractor on satisfactory completion of the works and production of invoices/certificates. Any assessed client contribution will need to be paid into the Council's holding account before works proceed and will be paid direct to the contractor upon completion.</p> <p>Assistance includes the contractor's standard warranty period only and does not include any ongoing repairs, servicing or maintenance costs; these are the responsibility of the applicant.</p>
Conditions	<p>A land charge will be placed on adapted owner occupied properties which will be recovered where the property is sold or otherwise disposed of within 10 years of the grant works being completed and where the cost of the grant exceeds £5,000. The limit of the maximum charge is £10,000.</p> <p>Repeat applications will not be considered until after a 5 year period has passed from completion of works.</p>
Assistance	<u>Handyperson Adaptation Service</u>

Purpose	The handyman Adaptation Service helps people be safe and secure in their own homes through minor adaptations and small practical jobs.
Eligibility	The service is open to anyone living in the private sector in Nottinghamshire aged 60 or older, or any adult with a disability The works required must contribute to enabling someone to continue living independently at home.
Eligible Work	The adaptations service provides and installs items such as: grab rails, hand rails, half steps, lever taps, key safes, etc. The handyman service can complete small jobs such as fixing loose carpets to prevent a fall (see appendix for full list)
Financial Arrangements	The adaptations service provides and installs up to £1,000 worth of adaptations in a single job. There is no charge for the materials. There is a £15 charge for the handyman service, plus the cost of the materials used
Application	This service can be accessed by contacting Nottinghamshire County Council
Payment	Payment is made directly to the contractor
Conditions	None

Assistance	<u>Assistive Technology</u>
Purpose	Assistive technology is equipment that individuals can use to help them live safely and independently in their own home, including sensors that are monitored 24/7 by a support centre
Eligibility	Equipment is provided following a needs assessment by the Housing Team
Eligible Work	Equipment available includes: <ul style="list-style-type: none"> • Fall detector • Smoke/heat detector • Flood detector • Bogus caller/panic alarm

	<ul style="list-style-type: none"> • Property exist sensor • Bed occupancy sensor
Financial Arrangements	Equipment is provided free of charge and the monitoring service provided by the support centre is free of charge for the first 3 months
Application	This service can be accessed by contacting the Housing Team
Payment	Different payment options are available
Conditions	None

Handyperson Adaptation Service - List of Handyperson jobs

Handy Person Jobs	Exclusions
Window Repairs - plane windows to ensure they fit/close properly	Assembling indoor or outdoor furniture
Door Repairs - plane door to ensure it fits/closes properly	Structural or building work
Door Repairs - repairs to loose handles and hinges	Glazing – windows
Door Repairs - re-hanging of door (if frame is in good condition)	Painting a room
Cupboard repairs - repairs to hinges and/or shelving	Painting fence or gates
Shelving - fit a shelf (for storing meds/to prevent tripping)	Installing burglar alarms
Shelving - repair/re-fix loose shelf	Installing fencing gates
	Decking or repairs to decking
	The service does not extend to gardening, decorating or any job that requires a specialist

<p>Tighten Floor boards (max of 5)</p> <p>Taps repairs - Replace Tap washer/ball valve (dripping tap)</p> <p>Sink blockages</p> <p>Bleed radiators</p> <p>Fit sink and bath plugs</p> <p>Fix toilet seat (tighten screws etc.)</p> <p>Make safe trailing wires</p> <p>Fitting of lampshades</p> <p>Changing plugs</p> <p>Replacement of lightbulbs</p> <p>Fitting of door locks (Wooden and UPVC)</p> <p>Door Safety Chains (wooden doors only)</p> <p>Change bulb in exterior security light</p> <p>Replace smoke alarm batteries</p> <p>Replace Carbon Monoxide Alarm batteries</p>	<p>trades person (such as an electrician, plumber or gas fitter)</p> <p>If the work needs to be carried out by one of the following professionals, the work will not be suitable for HPAS:</p> <ul style="list-style-type: none"> • Electrician • Plumber • Drainage • Gardener • Painter and decorator <p>Suppliers will not be able to carry out any major works that affect the structure of the house</p> <p>Soffits and fascias cannot be repaired or replaced by HPAS Providers</p>
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<p>Fit outside gate bolt and padlock</p> <p>Simple assembly</p> <p>Moving furniture (Standard only e.g. move bed from upstairs to downstairs)</p> <p>Putting up curtains/blinds and rails</p> <p>Hanging mirrors</p> <p>Hanging clocks</p> <p>Securing carpets</p> <p>Replacing raised door thresholds with flat ones</p> <p>Replace fence panels</p> <p>Fix paving – minor works (replace broken slabs and relay uneven slabs – max of 5)</p> <p>Putting up washing line</p> <p>Gutter clearance (ground floor only)</p>	
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Report To:	CABINET	Date:	10TH SEPTEMBER 2018
Heading:	TENANCY STRATEGY AND TENANCY POLICY		
Portfolio Holder:	COUNCILLOR JOHN WILMOTT – CABINET MEMBER (OUTWARD FOCUS)		
Ward/s:	ALL		
Key Decision:	YES		
Subject to Call-In:	YES		

Purpose of Report

To seek approval of the Strategic Tenancy Strategy and Tenancy Policy

Recommendation(s)

- **To approve the Tenancy Strategy and Tenancy Policy**
- **To approve the development of a tenant friendly version of the Tenancy Policy produced in association with the Council's tenant groups**

Reasons for Recommendation(s)

The Localism Act 2011 places a duty on local housing authorities to prepare and publish a Tenancy Strategy. These strategies set out the matters to which registered social providers are to have regard in formulating their policies on tenancies in terms of:

- The kinds of tenancies they grant
- The circumstances in which they will grant a tenancy of a particular kind
- Where they grant tenancies for a certain term, the length of the terms, and
- The circumstances in which they will grant a further tenancy on the coming to an end of an existing tenancy

The Regulator for Social Housing's Tenancy Standard requires that registered providers of social housing publish clear and accessible policies which outline their approach to tenancy management, including interventions to sustain tenancies and prevent unnecessary evictions and tackling tenancy fraud.

The Tenancy Strategy and Tenancy Policy fulfil the above legal and regulatory requirements. The first Ashfield Tenancy Strategy was published in 2012 and it is recommended that this is reviewed every 5 years. A Tenancy Policy was published by Ashfield Homes in 2014 and this has been updated to reflect that the Council stock is no longer managed by an ALMO.

Alternative Options Considered

(with reasons why not adopted)

Not preparing and publishing a Tenancy Strategy and Tenancy Policy – this was not considered as it is a legal and regulatory requirement to publish these documents.

Detailed Information

Please see the strategy and policy for full details

Tenancy Strategy

The Council has a responsibility to provide a strategic lead on the use of social tenure and to ensure that the way social housing is let supports the authority's vision for the local area.

The Council's housing vision is:

“to ensure the population of Ashfield are living in or can access homes that are affordable, warm and within a safe community that promotes the health and wellbeing of residents”

As such, the aims of this strategy are:

- To ensure that social housing providers operating in Ashfield offer the most secure form of tenure compatible with the purpose of the accommodation, the needs of the individual households, the sustainability of the community, and the efficient use of their housing stock.
- To ensure that social housing providers operating in Ashfield support the Council in meeting its statutory obligations and vision for the District.
- To ensure that homes let at Affordable Rent remain affordable for low income households, either in or out of work, whilst enabling the supply of new properties in Ashfield.
- To ensure social housing tenants are supported to achieve their housing aspirations and not penalised for a change in their circumstances.
- To ensure households seeking a home in Ashfield can access information on what it means to be offered a fixed term tenancy.

Regarding the first point, the Strategy proposes that the Council's position on tenancies is:

- Social housing providers operating in Ashfield should offer the most secure form of tenure possible
- The Council only supports the use of fixed term tenancies in limited circumstances and to operate with a presumption of renewal
- The Council prefers to see issues such as under-occupancy, overcrowding and unemployment addressed through investment in incentives and support to move, additional waiting list priority, support to enter employment and increasing the supply of affordable housing across all tenures.

- Households should not be pushed into unsustainable home ownership as they over-extend themselves to obtain secure housing or be disincentivised from improving their financial circumstances as this would result in their tenancy being ended.
- The Council does not wish to see an increase in homelessness as a result of fixed term tenancies coming to an end, or to create churn between two insecure rental tenures
- Each social housing provider must put in place a Tenancy Policy which must have due regard to this strategy

The Council's position under the Strategic Tenancy Strategy 2012-15 was that:

- The Council supports the use of introductory and probationary tenancies with fixed term tenancies granted where appropriate
- Fixed Term tenancies should only be used in exceptional cases and granted for 5 years where possible
- Fixed term tenancies should not be used for designated older person's accommodation or for tenants over the age of 60
- Fixed term tenancies should not be used for tenants with learning disabilities for mental health issues
- Where a fixed term tenancy is not renewed, the Council expects the Registered Provider to work with the tenant providing advice and assistance to explore alternative housing options where necessary
- The Council expects Registered Providers to assess the needs of households that include a disabled person to ensure best use of the limited supply of adapted housing
- Where fixed term tenancies are used, the Council expects Registered Providers to fully inform prospective tenants about the renewal of their tenancy before they sign up. Details of circumstances where a tenancy would / would not be renewed should be set out clearly in the Registered Providers Tenancy Policy.

Regarding the use of Affordable Rent, the following is proposed:

- Social rent is still the preferred tenure for existing and new social housing in Ashfield,
- The Council encourages providers to use their discretion to set Affordable Rents below 80% of the market rent to ensure developments are affordable
- The Council does not wish to see households facing financial difficulties because their income is insufficient for their housing costs and other essential expenditure.
- The Council also encourages registered providers to ensure that properties remain affordable for those subject to the benefit cap
- the Council seeks commitment from providers that a reasonable level of locally based reinvestment will result from charging Affordable Rent in the District
- The Council expects that providers will discuss their Affordable Rent conversion policy with us
- The Council does not wish to see an area experience a disproportionately high level of Affordable Rent conversions

The Council's position under the Strategic Tenancy Strategy 2012-15 was that:

- The Council encourages the retention and development of social rented homes wherever possible and expects all housing designated for older people to be retained / built for social rent

- The Council expects providers who convert their social rents to affordable, to be able to demonstrate their commitment to deliver more affordable housing elsewhere in the district
- The Council expects all homes delivered through s.106 agreements to be offered at social rent
- The Council expects providers to offer housing advice to prospective tenants to ensure that affordable rent are a viable option for the household, this could include signposting to the Council and other agencies to ensure vulnerable households are not disadvantaged

Tenancy Policy

The content of the Tenancy Policy remains the same as the previous version except that references to Ashfield Homes have been replaced with Ashfield District Council.

The Tenancy Policy sets out the Council’s policy in relation to the following:

- The types of tenancies that Ashfield District Council will grant
- The arrangements for the creation of tenancies, the ending of tenancies and the assignment and succession of tenancies
- Ashfield District Council’s approach to tenancy management, including interventions to sustain tenancies, preventing unnecessary evictions and tackling tenancy fraud

Implications

Corporate Plan:

The strategy and policy support the Council’s housing vision to: “ensure the population of Ashfield are living in or can access homes that are affordable, warm and within a safe community that promotes the health and wellbeing of residents”

Legal:

The Localism Act 2011 places a duty on local housing authorities to prepare and publish a Tenancy Strategy.

The Regulator for Social Housing’s Tenancy Standard requires that registered providers of social housing publish a Tenancy Policy.

Approval of the Tenancy Strategy and Tenancy Policy fulfil the legal and regulatory requirements.

Finance:

Budget Area	Implication
General Fund – Revenue Budget	Not applicable
General Fund – Capital Programme	Not applicable
Housing Revenue Account – Revenue Budget	Not applicable

Housing Revenue Account – Capital Programme	Not applicable
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Risk:

Risk	Mitigation
There are no risks associated with approving this policy	

Human Resources:

There are no direct HR implications contained within this report.

Equalities:

(to be completed by the author)

The strategy and policy has a positive impact on a range of households with protected characteristics as it seeks to ensure they are provided with a home that is affordable, secure, meets their individual needs and is in a sustainable community.

Other Implications:

(if applicable)

Reason(s) for Urgency

(if applicable)

Reason(s) for Exemption

(if applicable)

Background Papers

(if applicable)

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Tenancy strategy draft

Introduction

The Localism Act 2011 places a duty on local housing authorities to prepare and publish a Tenancy Strategy. These strategies set out the matters to which registered social providers are to have regard in formulating their policies on tenancies in terms of:

- The kinds of tenancies they grant
- The circumstances in which they will grant a tenancy of a particular kind
- Where they grant tenancies for a certain term, the length of the terms, and
- The circumstances in which they will grant a further tenancy on the coming to an end of an existing tenancy

The Localism Act introduced a radical reform of social housing tenure; social landlords are no longer required to let general needs homes on 'the most secure form of tenure' possible. They can now offer tenancies for shorter terms.

From 1st April 2012, the Localism Act introduced a new form of local authority Secure Tenancy: the Flexible Tenancy, which is a fixed term tenancy. For housing associations, the Tenancy Standard now allows them to grant Assured Shorthold Tenancies for general needs housing let at social rent.

The statutory minimum fixed term for both types of tenancy is two years, though this should only be in exceptional circumstances. Government guidance states the minimum term should be five years.

As a result of the Localism Act and the new funding model of Affordable Rent, there are now a range of tenancies on offer from social landlords. Local housing authorities may offer either a Secure or Flexible Tenancy at either social or Affordable rent. Housing associations may offer either an Assured or fixed term Assured Shorthold Tenancy at either social or Affordable rent.

Local housing authorities have a responsibility to provide a strategic lead on the use of tenure in social housing and to ensure that the way social housing is let supports the authority's vision for the local area.

The Housing and Planning Act 2016 included provision for the use of fixed term tenancies to be mandatory for all local authorities, at the time of writing, this part of the Act has not yet been enacted.

Purpose of the strategy

This strategy has been created in response to the requirements of the Localism Act 2011, the purpose of changes introduced by this Act are to:

- Make the best use of housing stock
- Ensure those in greatest need are prioritised through the lettings policy
- Promote and incentivise work
- Provide greater flexibility and simplicity within the lettings process

In addition, the Regulatory Framework requires that social landlords grant tenancies that are compatible with the:

- Needs of the individual households
- Efficient use of the housing stock
- Purpose of the accommodation
- Sustainability of the community

The Council has a responsibility to provide a strategic lead on the use of social tenure and to ensure that the way social housing is let supports the authority's vision for the local area.

The Council's housing vision is:

“to ensure the population of Ashfield are living in or can access homes that are affordable, warm and within a safe community that promotes the health and wellbeing of residents”

As such, the aims of this strategy are:

- To ensure that social housing providers operating in Ashfield offer the most secure form of tenure compatible with the purpose of the accommodation, the needs of the individual households, the sustainability of the community, and the efficient use of their housing stock.
- To ensure that social housing providers operating in Ashfield support the Council in meeting its statutory obligations and vision for the District.
- To ensure that homes let at Affordable Rent remain affordable for low income households, either in or out of work, whilst enabling the supply of new properties in Ashfield.
- To ensure social housing tenants are supported to achieve their housing aspirations and not penalised for a change in their circumstances.
- To ensure households seeking a home in Ashfield can access information on what it means to be offered a fixed term tenancy.

This Strategy is principally concerned with tenure issues, however, it supports and overlaps with a number of other strategies and consideration has been given to those concerning homelessness, allocations, the Council's tenancy policy and private sector enforcement in the development of this Strategy

Fixed term tenancies

The Council expects that social housing providers operating in Ashfield will offer the most secure form of tenure compatible with the purpose of the accommodation, the needs of the individual households, the sustainability of the community, and the efficient use of their housing stock.

In particular, the Council expects that permanent tenancies will be granted to those households who are in need of settled accommodation and whose situation is unlikely to change, such as households containing older persons or people with a long-term medical, support or care needs.

The Council expects that wherever possible, tenants moving through a mutual exchange scheme will be able to enjoy the same security of tenure in their new property.

Fixed term tenancies should not be used in place of introductory or starter tenancies.

The Council only supports the use of fixed term tenancies in limited circumstances. This is because research has shown that people associate security of tenure with a settled and stable home, which is important for laying down roots and planning for the future, such as for those with children or vulnerable people.

Where social housing providers choose to grant fixed term tenancies, the Council encourages them to offer tenancies for longer than the five-year regulatory minimum, particularly where there are dependent children in the household.

The Council supports the use of fixed term tenancies in the following circumstances:

- Households where it is likely that the property will be under occupied within 5 years of the start of the tenancy (and therefore subject to Housing Benefit restrictions) i.e. families with teenagers/older children, merged & extended families
- Extreme cases of ASB where families are monitored throughout their tenancy
- Properties which are adapted for disabled use which it is likely the household will not require within 5 years of the start of the tenancy

Where fixed term tenancies are granted, the Council encourages social housing providers to operate with a presumption of renewal by issuing a new fixed term tenancy for a term at least equivalent to the current or previous fixed term, except where:

- The property is adapted and no one residing at the property requires the adaptation
- The tenant comes into legal ownership of another home or property
- Any breaches of tenancy or tenancy fraud are identified during the fixed term of the tenancy
- The tenant's financial circumstances have significantly changed so that home ownership is affordable

The Council does not support registered providers allowing fixed term to run into insecure periodic tenancies.

It is recognised that a case by case approach will be required and social housing providers are encouraged to use their discretion to ensure the aims of this strategy are achieved.

Discretion may be exercised in the following cases, for example, if: someone in the household is terminally ill; the household includes children of school age; a household member is at university/in prison/in the armed forces; the property was under-occupied when the tenancy commenced; the tenants will grow into the property (i.e. a young couple or family); a range of occupation levels will contribute to balanced communities; retaining the household in the community for community balance or due to their community contribution; the move will significantly affect the household's wellbeing (for example moving away from support). This is not an exhaustive list.

Where the conduct of the tenant is a factor for not renewing a fixed term tenancy, it is important that it is not used as an alternative to the usual tools available to address breaches of tenancy. The Council therefore would only support the decision not to renew a fixed term tenancy due to a tenant's conduct where formal possession action is already underway or being considered. The ADC allocations policy criteria regarding unacceptable behaviour should be considered in these cases.

The Council prefers to see issues such as under-occupancy, overcrowding and unemployment addressed through investment in incentives and support to move, additional waiting list priority, support to enter employment and increasing the supply of affordable

housing across all tenures. It is acknowledged that social housing is a scarce resource and should focus on those who need it most. However, the use of fixed term tenancies, over the long term, may undermine the sustainability of a community by increasing the transience and social exclusion of neighbourhoods, which in turn leads to the need for increased housing management resources. Additionally, the cost to administer tenancy reviews, to seek possession where households refuse to vacate and to re-let a property is likely to be significant. The Council believes this offers poor value for money and encourages social housing providers to instead make the above described investments to achieve the same outcomes.

The Council does not wish to see an increase in homelessness as a result of fixed term tenancies coming to an end, or to create churn between two insecure rental tenures, whereby social tenants refused a renewal of tenancy will be assisted into the private rented sector to make way for private rented sector tenant qualifying for an allocation of social housing. In addition, it is important that households are not pushed into unsustainable home ownership as they over-extend themselves to obtain secure housing or are disincentivised from improving their financial circumstances as this would result in their tenancy being ended.

Each social housing provider must put in place a Tenancy Policy which must have due regard to this strategy. See the section below for further information on what this policy must set out.

Summary of the Council's position on tenancies:

- Social housing providers operating in Ashfield should offer the most secure form of tenure possible
- The Council only supports the use of fixed term tenancies in limited circumstances and to operate with a presumption of renewal
- The Council prefers to see issues such as under-occupancy, overcrowding and unemployment addressed through investment in incentives and support to move, additional waiting list priority, support to enter employment and increasing the supply of affordable housing across all tenures.
- Households should not be pushed into unsustainable home ownership as they over-extend themselves to obtain secure housing or be disincentivised from improving their financial circumstances as this would result in their tenancy being ended.
- The Council does not wish to see an increase in homelessness as a result of fixed term tenancies coming to an end, or to create churn between two insecure rental tenures
- Each social housing provider must put in place a Tenancy Policy which must have due regard to this strategy

Affordable Rent

Social rent is still the preferred tenure for existing and new social housing in Ashfield, in particular for larger family housing, older persons' housing and homes delivered through s.106 agreements.

The Council understands that providers may be under an obligation to deliver Affordable Rent housing as part of the funding agreement with Homes England, however, registered providers have the flexibility to set these rents at *up to* 80% of the market rent and as such

the Council encourages registered providers to utilise this discretion to ensure developments are affordable.

The Council encourages providers to consider the average income of low income households in Ashfield when setting rents and to take steps when letting homes to ensure households will have sufficient funds for other essential expenditure after their housing costs. The Council does not wish to see households facing financial difficulties because their income is insufficient for their housing costs and other essential expenditure.

The Council also encourages registered providers to ensure that properties remain affordable for those subject to the benefit cap. In Ashfield, this has mainly affected households with 3 or more children. As such, Affordable Rent properties with 3 or more bedrooms may result in households being subject to the cap. Registered providers should consider the affordability of such properties when they are looking to develop or convert them for Affordable Rent.

Whilst there is no legal or other requirement that sums generated in Ashfield as a result of charging Affordable Rent will necessarily be used for reinvestment in Ashfield, the Council seeks commitment from providers that a reasonable level of locally based reinvestment will result.

The Council requests that providers have regard to the overall mix of properties in areas where they are looking to convert properties from social rent to Affordable Rent. The Council does not wish to see an area experience a disproportionately high level of conversions to ensure that existing social tenants are able to transfer to their area of choice at the same rent level. Where Affordable Rent development or conversions are considered by a provider in the following areas Carsic, Leamington and Summit wards, providers must discuss this with the Council to ensure the proposals are appropriate for the area. In all cases, providers must consider the impact of any conversions on the tenure profile and sustainability of the area.

Providers must discuss with the Council any plans to convert older person's accommodation or properties that have been adapted to Affordable Rent

The Council expects that providers will discuss their Affordable Rent conversion policy with us and will provide information to the Council on a regular basis to monitor the number and location of Affordable Rent properties in the District.

The Council does not support conversions of social rent and shared ownership units which were delivered (or due to be delivered) through existing s106 agreements to Affordable Rent where the S106 agreement or other legal covenants state that the affordability/tenure of those units is to remain as social rent or shared ownership or where other similar legal restrictions apply.

The Council expects providers to seek our consent to convert existing social rent dwellings which have previously been developed using subsidy (grant and/or free/reduced land) only from the Council (e.g. with no additional public subsidy being forthcoming from Homes England). The Council may require either direct re-investment within the District or repayment of the subsidy.

Summary of the Council's position on Affordable Rent

- Social rent is still the preferred tenure for existing and new social housing in Ashfield,
- The Council encourages providers to use their discretion to set Affordable Rents below 80% of the market rent to ensure developments are affordable

- The Council does not wish to see households facing financial difficulties because their income is insufficient for their housing costs and other essential expenditure.
- The Council also encourages registered providers to ensure that properties remain affordable for those subject to the benefit cap
- the Council seeks commitment from providers that a reasonable level of locally based reinvestment will result from charging Affordable Rent in the District
- The Council expects that providers will discuss their Affordable Rent conversion policy with us
- The Council does not wish to see an area experience a disproportionately high level of Affordable Rent conversions

Homelessness

The Localism Act 2011 also introduced a power for local authorities to discharge their main housing duty to homeless households with an offer of suitable accommodation in the private rented sector provided the tenancy is for a minimum of 12 months. The Council has not adopted this power at the time of writing.

Under the Homeless Reduction Act 2017 that comes into effect in April 2018, this will remain the same. However, the new duties to prevent and relieve homelessness can be ended where the household has a reasonable prospect of having suitable accommodation for a least 6 months in the PRS.

Homeless households seeking assistance from the Council will be advised on their housing options, including options in the PRS and this will be reflected in their personal housing plan.

We will monitor whether households securing PRS accommodation sustain their tenancies and will review our approach if they present as homeless again.

Housing waiting list

The Council has a choice based lettings (CBL) scheme in partnership with Mansfield District Council called Homefinder. The table below summarises the Homefinder policy in relation to government guidance resulting from the Localism Act 2011 on waiting lists

Government guidance	Homefinder
Transfer to tenants without reasonable preference can now be dealt with outside of an allocation policy	The Policy enables Registered Providers to allocate up to 50% of vacancies outside of the scheme, to applicants on their own waiting list, including transfer tenants. For the purpose of clarity and consistency, the Council continues to allocate all of its vacant properties through the Homefinder Scheme.
Adoption of the 'bedroom standard' when determining overcrowding	The Policy adopts the bedroom standard as the way of determining overcrowding and under-occupancy.
Taking 'good behaviour' into account when granting priority for housing – including employment, training or volunteering	The Policy excludes/demotes applicants guilty of behaviour that makes them unsuitable to be a tenant but the Policy does not give additional preference to those

	behaving or making a local community contribution.
Granting local connection to armed forces personnel for the areas in which they serve	The Policy does grant local connection to HM Armed Forces personnel for the areas in which they serve
'additional preference' for former members of the armed forces who fall within the reasonable preference categories and are in urgent housing need	The Policy does give additional preference, band 1 priority for former members of the armed forces who fall within one of the reasonable preferences categories and are in urgent housing need.
Allowing people applying to foster to apply for a home with an extra bedroom	The Policy includes the discretion to allow people applying to foster to be considered for a home with an additional bedroom.

Mobility

The Council supports greater mobility in the social housing sector as a means of tackling under-occupancy, overcrowding and unemployment. The Council subscribes to an online mutual exchange scheme to enable mobility within the sector. The Council expects all registered providers operating in Ashfield to have signed up to a national mutual exchange scheme as required by the Regulator of Social Housing.

The Council expects that wherever possible, tenants moving through the scheme would be able to enjoy the same security of tenure and rent model in their new property. However, the Council also recognises that this will not be possible in all cases, particularly where voluntary moves are made to housing which has been designated as Affordable Rent as part of a contract with Homes England.

Monitoring and reviewing the strategy

The development and delivery of this strategy is overseen by the Strategic Housing Team. This monitoring will include:

- The use of fixed term tenancies in the district and any negative impact
- The use of the PRS to prevent and relieve homelessness and the sustainability of these tenancies
- Changing market conditions and their likely impact upon the demand for affordable housing now and in the future, such as housing need, affordability, homelessness, affordable housing completions, rent levels and welfare reforms.
- Number of Affordable Rent homes created, including conversions
- Bidding activity for fixed term and/or Affordable Rent properties
- The impact of this strategy on viability of new build sites
- The extent to which providers' tenancy policies reflect this strategy

RP tenancy policies

The Council expects that registered providers will have due regard to this strategy in developing their own Tenancy Policies and through this Policy will contribute to the Council's vision for the district. The Council particularly expects that those registered providers seeking support from the Council regarding Section 106 Affordable Housing submissions,

applications for grant funding from Homes England or making applications to the Council for grant funding will meet the requirements of this strategy.

Registered provider tenancy policies must set out:

- The type of tenancies they will grant
- Where they grant tenancies for a fixed term, the length of those terms
- The circumstances in which they will grant tenancies of a particular type
- Any exceptional circumstances in which they will grant fixed term tenancies for a term of less than five years in general needs housing following any probationary period
- The circumstances in which they may or may not grant another tenancy on the expiry of the fixed term, in the same property or a different property
- The way in which a tenant or prospective tenant may appeal against or complain about the length of fixed term tenancy offered and the type of tenancy offered, and against a decision not to grant another tenancy on the expiry of the fixed term
- Their policy on taking into account the needs of those households who are vulnerable by reason of age, disability or illness, and households with children, including through the provision of tenancies which provide a reasonable degree of stability
- The advice and assistance they will give to tenants on finding alternative accommodation in the event that they decide not to grant another tenancy
- Their policy on granting discretionary succession rights

To ensure consistency between local authority and registered provider tenants, the Council encourages registered providers to adopt the statutory provisions applicable to local authorities on the review of the decision to seek possession¹. In all cases, under the Tenancy Standard, registered providers must set out the process to appeal or complain about the length of fixed term tenancy offered, the type of tenancy offered and against a decision not to grant another tenancy on the expiry of the fixed term.

The Council considers that the 'reasonable advice and assistance' that must be offered by registered providers to tenants on finding suitable alternative accommodation at the end of a fixed term tenancy should include:

- At least six months' notice that the tenancy will not be renewed
- At least one home visit to the tenant
- Offers of alternative accommodation that meets their newly assessed need within the provider's own stock;
- Advice on low-cost home ownership options and other alternative affordable housing tenures;
- Specialist housing and or welfare-related advice and/or signposting to appropriate advice services; and
- Advice on renting in the private rented sector and assistance in identifying and securing a suitable property (this may involve assistance with a deposit where necessary)
- Additional assistance for vulnerable households
- Notifying the Council's Housing Options Team if the tenant is facing homelessness in 56 days

It is expected that Registered Providers will allow a tenant to remain in their property at the end of the tenancy until a suitable alternative has been found.

¹ <http://www.legislation.gov.uk/ukpga/2011/20/section/154/enacted>

Registered providers must consult with the Council regarding new and revised tenancy policies and should respond to the Council's requests for monitoring information.

Appendix 1 - Ashfield housing market context

This section provides an overview of the Ashfield housing market and the factors that impact on demand for social housing. The Council expects that providers will take these factors into consideration when developing their tenancy and Affordable Rent policies.

Supply

As at 1st April 2017, there were 8,972 social rent homes in the district, the table below how this has changed over time and the impact of Right to Buy and new build completions. It also shows the number of lettings each year and the number of households on the waiting list.

	2017	2016	2015	2014	2013
Council homes ²	6790	6804	6866	6856	6876
Registered provider homes ³	2182	1944	1900	1875	1847
Right to Buy sales ⁴	44	62	42	36	26
Social rent completions ⁵	80	0	60	10	10
Affordable Rent completions ⁶	90	0	0	20	0
Social rent GN lettings ⁷	555 (ADC lettings only)	18 (new lets) 632 (relets)	34 (new lets) 643 (relets)	11 (new lets) 649 (relets)	136 (new lets) 616 (relets)
Affordable rent GN lettings ⁸		12 (relets)	1 (new let) 5 (relets)	15 (new lets) 9 (relets)	2 (new lets) 4 (relets)
Households on waiting list ⁹		4661	4495	6329	5194

This data shows that there is a decreasing number of council homes available in the district, which is the most affordable housing available. Whilst social housing continues to be developed, there is also a growing number of Affordable Rent properties being developed, as well as social rent properties being converted to Affordable Rent. At the same time, waiting list numbers have outnumbered the amount of properties available by more than 6 times on average¹⁰.

Nationally, both the owner occupier and social housing sectors are shrinking and the PRS is expanding to fill the gap. In Ashfield, around 14% of the housing stock is in the PRS and

² MHCLG Live Table 116

³ MHCLG Live Table 115

⁴ MHCLG Live Table 685

⁵ MHCLG Live Table 1008

⁶ MHCLG Live Table 1008

⁷ CORE data

⁸ CORE data

⁹ Shelter databank

¹⁰ This figure includes supported housing which is not included in the above figures

16% is social housing¹¹, this has changed from 5% and 18% respectively in 2006¹². Many households are moving into the PRS as they are unable to access either of the other two sectors. As such, fixed term social housing tenants may find it challenging to move into owner occupation and may be more likely to move into the PRS, which is the leading cause of homelessness.

Under-occupation and overcrowding

As at 1st February 2018, it is estimated that 812 ADC tenants were affected by the under-occupation charge (so-called bedroom tax), of which 662 were under occupying by 1 bedroom and 150 by 2+ bedrooms. This demonstrates that around 12% of social housing tenants may benefit from initiatives to support them to downsize. Analysis of Ashfield Homefinder applications in April 2018 highlights that around 7% of applicants are under-occupying their current property. The number of social housing properties available for letting each year highlights the challenge in supporting all those affected to move.

The English Social Housing Survey 2016-17 found that nationally the social rented sector featured the highest number of overcrowded households (7%) followed by the PRS (5%). Analysis of Ashfield Homefinder applications in April 2018 highlights that around 0.7% of applicants are overcrowded in their current property. As above, this demonstrates the number of households that may benefit from initiatives to support them to move, however the availability of properties presents a challenge to them being able to do so.

Demand

Analysis of Ashfield Homefinder live applications in June 2018 shows that 33% of applicants are in employment and the average household income of applicants is around £11,000pa, this breaks down as follows:

Income range	Percentage of households
Up to £10,000	51%
£10,000 - £14,999	23%
£15,000 - £19,999	13%
£20,000 – £24,999	7%
£25,000 - £29,999	3%
£30,000 – £34,999	2%
£35,000 - £39,999	0.6%
£40,000 – £44,999	0.4%
£45,000 - £49,999	0.2%
£50,000+	0.2%

The table below highlights the number of Homefinder applicants that are in the main groups the council wishes to see provided with the greatest security of tenure, i.e. households with children, older people and those with disabilities:

Household type	
Couple	15%
Family with dependent children	35%
Family with non-dependent children	4%

¹¹ ADC annual monitoring report 2017

¹² Ashfield Housing Condition Survey 2006

Single	45%
Age of lead applicant	
18 – 24	14%
25 – 34	22%
35 – 44	16%
45 – 54	13%
55 – 64	13%
65 – 74	11%
75 – 84	7%
85 – 94	2%
95+	0.2%
Disability declared	
	26%

The table below demonstrates that the majority of demand from Homefinder applicants is for 1 and 2 bedroom properties.

	1 Bedroom	2 Bedroom	3 Bedroom	4+ Bedroom
2015	1993	1775	677	50
2016	1889	1975	745	52
2017	1984	1116	976	52

The table below shows the average number of bids received by different property sizes and types. The greatest number of bids are received for 3 bedroom properties despite this being the second lowest size demanded as per the above, suggesting these are in high demand and low supply. On the other hand, 1 bedroom flats have the lowest number of bids on average, despite this being the highest demanded property size. Further analysis shows that demand is high for general needs 1 bedroom flats but low for those reserved for those aged 50+. This suggests that some of the properties available do not meet the needs of applicants.

Property size and type	Average number of bids in 17/18
1 bedroom bungalow	26
1 bedroom flat	28
2 bedroom bungalow	30
2 bedroom flat	43
2 bedroom house	54
3 bedroom house	64
4 bedroom house	44

Adaptations

In 2016-18, 266 major adaptations have been completed to ADC properties. During the same time period approximately 11 stairlifts have been removed at a total cost of approximately £19,000

Analysis of Ashfield Homefinder applications in April 2018 highlights that 3% of applicants required a wheelchair accessible property, 4% require a stairlift, 5% require a level access shower and 12% require a level entry property.

Homelessness & PRS

Between 1st April 2016 and 31st March 2018, 29 households were supported to prevent or relieve their homelessness in the PRS.

Terminations and transfers

The table below provides an analysis of the ADC tenancies that have been terminated in the last 5 years, the tenure type the tenant moved to and the average length of tenancy for tenants that terminated that year (note this includes all tenure types, not just general needs).

	16/17	15/16	14/15	13/14	12/13
Transfer (ADC, LA or RP)	197 (31%)	142 (22%)	172 (27%)	174 (28%)	149 (23%)
PRS	59 (9%)	61 (10%)	89 (14%)	72 (11%)	98 (15%)
Owner occ	8 (1%)	11 (2%)	12 (2%)	4 (1%)	11 (2%)
Total terminations	631	635	643	628	644
Average length of tenancy	11 years	12 years	11 years	10 years	10 years

These figures show that close to a third of all ADC terminations are due to tenants moving to another social housing property, suggesting that some are already choosing to move within the sector where required.

There are approximately 150 households registered for a mutual exchange, the number of exchanges taking place in recent years is as follows:

17/18	16/17	15/16
28	40	38

A small number of terminations are due to tenants moving into owner occupation suggesting that this may only be an option for a small number of tenants.

The average length of tenancy between 2012/13 – 2016/17 is 10-12 years demonstrating that tenants do not hold their lifetime tenancies for a lifetime. For those moving into owner occupation, this suggests that social housing is required for a longer period than 5 years before they are able to make this move.

Affordability

	16/17	15/16	14/15	13/14	12/13
Average weekly council rent	N/A	68.77	67.78	66.48	65.07

Average weekly HA rent	N/A	88.04	86.18	83.31	79.50
Median private rents	N/A	109.61	109.61	103.84	103.84
80% market rent	N/A	87.68	87.68	83.07	83.07
LHA rate	94.62	94.62	92.78	91.65	No data

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The average income in Ashfield is £23,566¹⁴. It is often suggested that housing is affordable if costs do not exceed 30% of net income, in Ashfield this would be £111pw. The above table shows that, on average, all tenures are affordable to those in the District receiving an average income. However, analysis of properties available to let on Rightmove.com in March 2018 highlights that 3 bedroom properties in all areas of the District and 2 bedroom properties in Hucknall often exceed this amount

The table below shows the extent of housing benefit claimants, unemployment and residents not fit to work in the district

	16	15	14	13	12
HB claimants	9081	9402	9620	9753	9536
Working age unemployment rate	4.9%	4.1%	4.9%	8.1%	13.9%
Working age ESA/IB claimants	8%	7.9%	7.7%	7.8%	8.0%

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Whilst HB claimants are falling, unemployment has been remained between 4-5% for last 3 years. Around 8% of households are claiming a benefit that suggests they are not able to work (Employment Support Allowance or Incapacity Benefit). Around two-thirds of ADC tenants receive housing benefit towards their housing costs. The average income of Homefinder applicants has been highlighted above and it is assumed that average incomes of current tenants is similar. It is unlikely that these households could move into homeownership or market rent properties.

The following table shows the affordability of home ownership in the District

	16	15	14	13	12
Median house price to median earnings ratio	5.24	5.23	5.15	5.07	5.23
Lower quartile house price to lower quartile earnings ratio	5.39	5.30	5.27	5.01	4.92
Average selling price	127,696	119,569	115,012	107,367	103,322

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It can be seen that the ratio of house prices to average earnings has remained at a similar level over the last 3 years. House prices are 5 times average incomes and as such this makes it challenging for average and lower income households to move into this tenure. It has been identified above that around 94% of households with a live Homefinder application have an annual household income below the average amount for the district.

Community stability

¹³ Shelter Databank and Valuation Office Agency

¹⁴ NHF East Midlands Home Truths 2017/18

¹⁵ Shelter Databank, NOMIS

¹⁶ Shelter Databank

As at 20th March 2018, 1,614 ADC tenants were in arrears and the average amount was £221, broken down as follows:

- Sutton: 723 cases (45% of cases, 24% of stock in area) - £214 owed on average
- Hucknall: 462 cases (29% of cases, 27% of stock in area) - £255 owed on average
- Kirkby: 325 cases (20% of cases, 19% of stock in area) - £194 owed on average
- Rural: 104 cases (6% of cases, 20% of stock in area) – £206 owed on average

Between 1st April 2017 and 19th March 2018, ADC carried out 35 evictions as per the below, taken together with the above, this suggests that Sutton has a high prevalence of community instability, followed by Hucknall:

- Sutton: 19 (54%)
- Hucknall: 10 (28.5%)
- Kirkby: 3 (8.5%)
- Rural: 3 (8.5%)

The greatest demand for tenancy sustainment support and pre-tenancy support experienced by ADC Housing Services comes from the Sutton area. This could suggest a higher prevalence of community instability in this area.

ADC Tenancy sustainment + pre tenancy support cases	Q4 17/18	Q3 17/18	Q2 17/18	Q1 17/18	Sub total	Total	As % of stock in the area
Sutton	23 + 28	28 + 17	20 + 2	15	86 + 47	133 (55%)	4.4%
Kirkby	10 + 6	12 + 4	10 + 3	17	49 + 13	62 (25%)	3.7%
Hucknall	7 + 4	10 + 2	2	5	24 + 6	30 (12%)	1.8%
Rural	5 + 1	3	1	7	16 + 1	17 (7%)	3.3%
						242	

The distribution of ADC stock across the four areas is as follows:

- Sutton 44%
- Kirkby 24%
- Hucknall 25%
- Rural 7%

As such, the breakdown of arrears cases is broadly representative of this, whereas there is overrepresentation from Sutton and an underrepresentation from Kirkby in the number of evictions carried out. Also, there is an overrepresentation from Sutton and an underrepresentation from Hucknall in the number of tenancy sustainment cases.

The Central and New Cross ward in Sutton in Ashfield has the highest prevalence of anti social behaviour and community protection issues. Taken with the above, Sutton is clearly the area with the highest community instability in the district.

Appendix 2 – Consultation

Section 151 of the Localism Act 2011 requires that before adopting a Tenancy Strategy, or making a modification to it reflecting a major change of policy, a local authority must:

- Send a copy of the draft strategy, or proposed modification, to every private registered provider of social housing for its district, and
- Give the private registered provider a reasonable opportunity to comment on those proposals

A survey was issued in March 2018 to registered providers operating in the district asking for information regarding their use of fixed term tenancies and Affordable Rents. The below section details the questions that were asked.

There was only one response from Derwent Living who does not use fixed term tenancies but does issue starter tenancies. Affordable Rent is charged at 80% of the market rent or the relevant LHA rate, whichever is lower. Affordability assessments are conducted with all applicants which considers individual applicants income and expenditure. A copy of their tenancy policy can be found on their website and this was last updated in 2016.

A copy of the final draft of this strategy was also issued to registered providers operating in the district, inviting them to make comments, no responses were received.

Survey questions

Are fixed term tenancies issued by your organisation, please provide details such as the types of property (size, GN/SH), applicants, criteria

Do you issue starter tenancies

If your organisation does not currently issue fixed term tenancies, do you plan to start issuing them in the next 1, 3, 5+ years

What is the length of term offered.

Are tenancies of less than 5 years offered, please detail the circumstances

What criteria is used when reviewing a fixed term tenancy

Please give examples of when a fixed term tenancy would and would not be renewed

Where an income criteria and under occupation criteria are used to end a fixed term tenancy, please give details of these criteria (i.e. income threshold, definition of under occupying)

How many fixed term tenancies have you issued in Ashfield

How many fixed term tenancies have you renewed in Ashfield

How many fixed term tenancies have you ended in Ashfield, on what grounds, what type of tenancy did these tenants move to (PRS, SO, Owner Occ, etc)

What is your process to appeal a decision not to renew a fixed term tenancy or the length of tenancy granted

What advice and assistance do you provide to those tenants whose fixed term tenancy will not be renewed

Who do you consider to be vulnerable for the purposes of issuing fixed term tenancies

How many Affordable Rent properties are within your stock in Ashfield, both new build and conversions? How many new build Affordable Rent properties do you intend to develop by April 2020 in Ashfield

How many Low Cost Homeownership properties have you developed in Ashfield?

Would implementing the Affordable Rent section of this strategy adversely affect the viability of new build sites?

How many current social rent properties do you plan to convert in Ashfield to Affordable Rent in 17/18

What is your policy on converting social rent properties, including those that have received subsidy, either from the local authority or Homes England, or developed via a s.106 agreement

Are sums generated from Affordable Rent properties in Ashfield reinvested in the District?

What percentage of the market rent are your Affordable Rent properties let at on average

Do you conduct affordability assessments with applicants?

How do you define affordability (e.g. max 30% of net income spent on housing costs)

How many applications for Affordable Rent tenancies have you declined on the grounds of Affordability in Ashfield

What percentage of Affordable Rent tenants in Ashfield are in arrears and what is the average amount owed? How does this compare to your total/social rent arrears

What is the average income of your Affordable Rent tenants in Ashfield? What is the average income of your social rent/all tenants

What is the average length of stay for Affordable Rent tenants in Ashfield? How does this compare to social rent tenants? What is the main reason for leaving an Affordable Rent property

Do you feel there is a positive or negative impact on community stability as a result of fixed term tenancies

Are you signed up to a mutual exchange scheme? How many exchanges took place in Ashfield in 16/17?

Where can a copy of your Tenancy Policy be found

When was your Tenancy Policy last updated

DRAFT

Tenancy Policy

August 2018

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1.0 Introduction

1.1 This document is Ashfield District Council's (ADC) Tenancy Policy.

1.2 This document sets out Ashfield District Council's policy in relation to the following:-

- *The types of tenancies that Ashfield District Council will grant*
- *The arrangements for the creation of tenancies, the ending of tenancies and the assignment and succession of tenancies*
- *Ashfield District Council's approach to tenancy management, including interventions to sustain tenancies, preventing unnecessary evictions and tackling tenancy fraud*

1.3 This Tenancy Policy fulfils our statutory requirements and has been developed with due regard to the Strategic Tenancy Strategy. This policy will operate in conjunction with ADC's Housing Allocation Policy.

1.4 We will ensure that this policy complies with relevant legislation by utilising customer information to ensure that service delivery and communication with customers is in line with their needs and requirements, whilst ensuring that our procedures are fair and transparent.

1.5 The key principles of the Tenancy Policy are to confirm:

- *The types of tenancies available*
- *That all tenancies will be created correctly*
- *That all tenancies will be terminated correctly*
- *That all tenancies will be assigned correctly*
- *That tenancy succession will occur only where there is an entitlement to succeed to the tenancy*
- *That tenants will be made aware of the opportunity to exercise the rights granted to them when they become tenants*
- *We will comply with our obligations in carrying out our responsibilities to tenants*
- *We will treat all tenants in a fair and non-discriminatory way, in accordance with the Equality Act 2010*
- *We exercise discretion, when we are in a position to do so, in a reasonable, fair and equitable manner*

1.6 Relevant legislation and regulatory compliance

We will ensure that we manage tenancies in accordance with best practice and all relevant policy and legislation, including the following:-

- Housing Act 1980
- Housing Act 1985
- Housing Act 1996
- Matrimonial Causes Act 1973
- Matrimonial and Family Proceedings Act 1984
- Children Act 1989
- Civil Partnership Act 2004
- Crime and Disorder Act 1998
- Anti-Social Behaviour Act 2003
- Equality Act 2010
- Disability Discrimination Act 2005
- Localism Act 2011
- ADC's Housing Allocations Policy
- The Prevention of Social Housing Fraud Act 2013

2.0 The Creation of Tenancies

2.1 We will comply with legislation and good practice in relation to the creation of tenancies.

2.2 We will offer tenancies to applicants for re-housing in accordance with the Housing Allocation Policy.

2.3 Types of Tenancy

Introductory Tenancies

All new tenancies granted to tenants who have not previously held security of tenure, will be introductory tenancies. Introductory tenancies will last for 12 months. The introductory period ends 12 months after the date of the commencement of tenancy. During the 12 months, introductory tenancies will be reviewed at regular intervals to ensure that tenants' are conducting their tenancy in a satisfactory manner. If tenants' breach their tenancy agreement, they may be evicted. Introductory tenancies may be extended for up to 6 months.

Secure tenancies

All introductory tenants will automatically become secure tenants on the first anniversary of the date their tenancy commenced, unless either:

- Possession proceedings during the 12 month introductory period have commenced;

Or

- The introductory tenancy has been extended for a further 6 months. In such instances, a notice of extension will be served on the introductory tenant at least 8 weeks before the expiry of the introductory tenancy. The notice will advise the introductory tenant of the reasons why the introductory tenancy has been extended and provide information about their right to ask for the decision to be reviewed.

Creation of tenancies for persons aged between 16 and 18

Equitable tenancies

Where the tenant is under the age of 18, they will be given an equitable tenancy. The tenancy takes effect as a promise by the landlord to grant a legal tenancy if requested by the equitable tenant, either (if the request is made before the tenants turns 18) to a trustee to hold on the minors behalf or (if the equitable tenant has turned 18) to them directly. The trustee will be a responsible adult, family member or support agency.

3.0 The ending of tenancies

- 3.1 Termination of tenancies will fully comply with legislative requirements, ensuring that either tenant is provided with the appropriate form of notice or by court order. If it is considered the tenancy has been surrendered by the former tenant, the tenancy will end.

3.2 Notice to quit

Four weeks statutory notice to quit will be accepted from a tenant(s) confirming the intention to end the tenancy. At the end of the four week period the tenancy will end.

The four weeks statutory notice must be in writing, signed and dated by a tenant of the property.

On receipt of a notice to quit, the property will be inspected and advice will be given to the tenant(s) of any outstanding repairs or redecoration for which tenant(s) are responsible. On the termination of the tenancy the property will be inspected and any outstanding repairs or redecoration for which the former tenant(s) were responsible, will be recharged to the former tenant(s).

3.3 **Joint tenants**

A notice to quit will be valid and accepted where it has been signed by one or both tenant(s) who hold the tenancy.

Where one joint tenant seeks to end the tenancy by means of the correct notice to quit, this will serve to end the tenancy. During the notice period, investigations will be carried out to establish:-

- *The intentions of the tenant who served the notice to quit and the reasons for serving the notice to quit*
- *Whether the other tenant(s) wish to surrender the tenancy*
- *Alternative options available to the remaining tenant(s), for example assignment*

Where the tenant who served the notice to quit wishes to withdraw the notice, we will exercise our discretion on a case by case basis.

3.4 **Joint tenancies – Domestic abuse**

Where a tenant holding a joint tenancy leaves their home as a result of domestic abuse from their spouse/civil partner/co-habitee, has had their application under relevant legislation accepted and provides the correct notice to quit, investigations will be undertaken into the conduct of the tenancy.

Should there be evidence to support allegations of domestic abuse we will:

- *Inform the remaining tenant that notice to quit has been received and that their tenancy will terminate on its expiry date*
- *Refer the case to the Nottinghamshire County Council's, Children's Social Care Department Referral and Assessment Team, if there are children involved*
- *Inform the remaining tenant of our obligation or not to offer them alternative accommodation, under the provisions of relevant legislation*
- *Refer the case to other relevant organisations as appropriate*

If, following the expiry of the notice of quit, the former tenant is still in occupation of the accommodation, we will regard them as unauthorised occupiers and possession through court action will be taken.

3.5 **Remaining Occupants**

If any remaining occupant(s) wish to stay in the property and the accommodation is suitable, consideration may be given to granting them a new tenancy.

In circumstances where the remaining occupant(s) qualifies to succeed and no right of succession is available, or has experienced a relationship

breakdown, wishes to stay and the existing accommodation is not suitable; they will be placed in Band 1 for a limited period of time in accordance with the provisions and conditions set out in the Housing Allocations Policy. During this period the occupant is an unauthorised occupant and will be charged for use and occupation whilst they seek suitable alternative accommodation.

Should the remaining unauthorised occupant(s) refuse an offer of alternative accommodation, we will pursue possession through the Court.

Where the remaining occupant does not qualify for Band 1 priority on the Housing Allocations Policy or does not qualify for re-housing, we will pursue possession through the Court. Use and occupation charges will be levied until the date possession is obtained.

3.6 Use and Occupation Charges

Use and Occupation charges will be levied against occupant(s) remaining at the property where a secure tenancy ends. Use and Occupation charges will usually cease with the individual(s) vacating the property, by possession proceedings through the courts, by re-housing through the Housing Allocations Policy or voluntarily.

3.7 The death of sole tenant and occupiers

In the event of the death of a sole tenant and upon receipt of a valid Death Certificate, written notice to terminate the tenancy will be accepted from the late tenant's next of kin, personal representative, or executor of the late tenant's estate. This will set out the date that possession of the property will be provided. This will normally be four weeks, unless there are individual circumstances that necessitate an extension or reduction to the four week period.

On recovering possession of the property, the property will be inspected. Any outstanding rent liability and repairs or redecoration for which the late tenant was responsible will be recharged to the late tenant's estate.

3.8 Death of a sole tenant who was intestate and had no living relatives

Where a tenant has died without a will or has no known living relatives, following investigations we will serve a notice to quit on the Public Trustee.

On recovering possession of the property, the property will be inspected. Any outstanding rent liability and repairs or redecoration for which the late tenant was responsible may be recharged to the Public Trustee.

3.9 Transfer to another home owned by the council

Where an ADC tenant accepts an offer of a tenancy for another ADC property, or indeed of any other landlord, the tenant will lose their existing secure tenancy status once their new tenancy commences.

3.10 Execution of an eviction warrant

Where we have regained possession of a property following the execution of an eviction warrant by a Court Bailiff, we will secure the property and inspect it.

Any outstanding rent liability (or Mesne Profit in terms of a non-secure tenancy), repairs and/or redecoration for which the former tenant was responsible will be recharged to them.

3.11 Abandonment

Where it is brought to our attention that a property appears to have been abandoned, we will carry out substantial investigations to establish that the tenant(s), by their actions, has surrendered their tenancy.

Following the report of the suspected abandonment, action will be taken to secure the property.

Where we are satisfied that the tenant(s) by their actions, have surrendered their tenancy, a notice to quit will be served on the property and possession of the property will be taken on the expiry of the notice.

Any outstanding rent liability and repairs or redecoration for which the former tenant was responsible will be recharged to them.

4.0 Assignment of tenancy

We will act in such a way as to ensure that tenants are able to exercise their right to assign the tenancy either through exchange, assignment to a person qualified to succeed to the tenancy or by a court order.

4.1 Assignment by way of exchange (mutual exchange)

Every secure tenant has the right to assign their tenancy by means of exchange. Information on mutual exchanges will be provided to all tenants who are considering applying to exchange their home with another tenant. When tenants assign their tenancy by means of exchange with another tenant, they are accepting the property in its existing condition.

Where a secure tenant(s) applies to exchange their tenancy with another secure or assured tenant, landlord consent is required. Consent will only be

withheld as specified and set out in the relevant legislation. The grounds include:-

- *The tenant or assignee is obliged to give up possession under a court order*
- *Proceedings for possession have begun against the tenant or assignee under Schedule 2 Grounds 1-6, or a notice seeking possession has been served on one or more of these grounds and is still in force*
- *The accommodation afforded by the dwelling house is substantially more extensive than is reasonably required by the proposed assignee*
- *The extent of the accommodation is not reasonably suitable to the needs of the assignee and their family*
- *The accommodation was let to the tenant in connection with the tenant's employment, relating to non-housing purposes*
- *The dwelling house was either purpose built or substantially adapted to make it suitable for occupation by a physically disabled person, and if the assignment were made there would no longer be such a person residing in the dwelling*
- *The accommodation is special needs accommodation, let for occupation by persons with special needs, and if the proposed assignment were made, there would no longer be such a person residing at the property*

Where a tenant or assignee has breached conditions of their tenancy agreement, consent to the proposed exchange will be made conditional on the breach being remedied.

Where consent is withheld, the tenant will be informed of the grounds upon which it has been withheld.

All tenants who apply to assign their home by means of exchange will be advised in writing whether consent to the assignment is granted within 42 calendar days of making their request.

Where the consent to the exchange is conditional on a breach of tenancy being remedied, we will inform the tenant of this in writing, indicating what actions they have to take to remedy the breach of tenancy.

Where consent is granted a deed of assignment must be signed by both parties.

Where the tenant is exchanging with a tenant of another landlord, we will contact the other landlord to ensure that the deeds of assignment are signed by both parties before the exchange is affected.

4.2 **Assignment in accordance with court orders**

In the event of relationship breakdown between a married couple or civil partners, the Court will grant a property adjustment order to one of the parties.

We will assign both introductory and secure tenancies in accordance with an order made under relevant legislation.

We will assign the tenant who benefitted from the property adjustment order that the tenancy has been assigned to them within 10 working days of receipt of the court order and in doing so we will advise them of their rights and responsibilities, the date the tenancy was commenced, the balance of the rent account and whether the tenancy has had any notices served upon it which are yet to expire.

We will also write to the former tenant, advising them that their tenancy has ended.

4.3 **Assignment to a person qualified to succeed to the tenancy**

Both introductory and secure tenants may assign their tenancy to another person. There can be one assignment, with no exceptions.

Assignment requests will be considered in line with the relevant legislation. The assignment will only be made to a person who would be entitled to succeed to the tenancy should the tenant have died immediately before the assignment.

Where a secure tenancy has been assigned in this way, the assignee will count as a successor, and there can be no further succession to the tenancy.

Assignment does not involve the creation of a new tenancy, therefore, any outstanding notices will continue to apply and the assignee will also assume responsibility for any rent arrears.

We will consider a person qualified to succeed to the tenancy if they occupy the dwelling as their only or principal home and is either:-

Secure tenancies that started before April 2012

- *Where there has been no previous assignment, the tenants spouse or civil partner or another member of the tenant's family and they have resided throughout a period of twelve months.*
- *Members of the family include parents, grandparents, children, grandchildren, brother, sister, uncles, aunts, nephews or niece (as per the Housing Act 1985).*

Secure tenancies that started after April 2012

- *An assignee must be a tenant spouse or partner, as per S.86a Housing Act 1985*

For the purposes of this policy:-

- *A relationship by marriage is treated as a relationship of blood*
- *A relationship of half-blood is treated as a relationship of whole blood*
- *The stepchild of a person will be considered as his or her child*
- *An illegitimate child will be considered as the legitimate child of the mother and the reputed father*
- *A former foster child aged over 18 will be considered as the legitimate child of the tenant*

Tenants wishing to assign their tenancy must apply in writing.

Where we receive an application we will reach a decision within 10 working days of receipt of all the required information.

We will only withhold consent on the following grounds:-

- *The existing tenant previously succeeded to the tenancy*
- *The tenancy was assigned to the existing tenant*
- *We are in the process of taking legal action to recover possession of the property*
- *The property is substantially larger than required by the proposed assignee*
- *The proposed assignee is not a person who would be entitled to succeed to the tenancy, if the tenant died immediately before the assignment*

In instances where we provide consent to the proposed assignment, we will write to the tenant and the proposed assignee inviting them to sign the deed of assignment. We will advise the assignee of their rights and responsibilities as a secure tenant, the date the tenancy commenced and the balance of the rent account.

5.0 Succession

When the death of a sole tenant is confirmed, we will undertake investigations to establish whether a right of succession exists to any person. Succession will only be granted to someone who is entitled to succeed to the tenancy. A secure tenancy cannot be 'gifted' in a will. If the deceased tenant held a joint tenancy, the surviving joint tenant will become a sole tenant by succession.

Secure tenancies that started before 1st April 2012

For secure tenancies that were created before April 2012 (and there has been no previous succession):-

- *The tenant's spouse or civil partner will be legally entitled to succeed to the tenancy as long as they were occupying the property as their only or principal home at the time of the tenant's death.*
- *If the deceased tenant did not have a spouse or civil partner who was occupying the property as their only principal home at the time of the tenant's death, certain members of the tenant's family may qualify to succeed to the tenancy as long as their only principal home at the time of the tenant's death and had been living with the tenant for at least 12 months prior to death. However, where the property is larger than reasonably required by the successor tenant and/or it has been adapted for a disabled person, the successor tenant may be asked to move to a smaller property.*

Secure tenancies that started after 1st April 2012

For secure tenancies that started after 1st April 2012 there is a statutory right to only one succession to a spouse, civil partner or cohabitee. There is no statutory right of succession for other family members. The spouses and partners must have been occupying the home as their principal home at the time of tenant's death and there can be no previous succession. A person who was living with the tenant as the tenant's wife or husband will be considered as the tenant's spouse, and a person who was living with the tenant as if they were civil partners will be considered as the tenant's civil partner.

There is deemed to have been a previous succession if the tenant who has died either:

a) *Had a joint tenancy and become a sole tenant when the tenant died*

or

b) *Succeeded the tenant (took over the tenancy) when the previous tenant died*

or

c) *Was a person qualified to succeed who was assigned the tenancy prior to the tenant's death*

If a deceased tenant did not have a spouse or civil partner who was occupying the property as their only or principal home at the time of the tenant's death, nobody is entitled to succeed to the tenancy.

The successor will in all cases be a sole tenant. If the sole tenant is the spouse or civil partner of the late tenant they will only be granted a joint tenancy following remarriage/civil partnership on application at our discretion.

5.1 Succession and under occupation

If a person qualifies to succeed to a tenancy, when the tenant dies, and the property is bigger than the person needs, they may be asked to move to another property.

If this is the case, the person will be placed in Band 1 Status on the Housing Allocations Policy.

If the person refuses to move to more suitable accommodation, we may seek possession of the property under relevant legislation. In such cases proceedings for possession will commence in line with the Housing Act.

5.2 Succession and accommodation suitable for a person with a disability

If a person who qualifies to succeed a tenancy is occupying accommodation which is either purpose built or substantially adapted for occupation by a person or persons with a physical disability, the property was previously let to someone with a physical disability and there is now no such person in the household, we may seek possession of the accommodation. In this instance we will seek to make available suitable alternative accommodation for the successor, which will be reasonable having regard to age of the successor, their length of residency and any financial or other support they gave to the previous tenant in accordance with relevant legislation.

5.3 Where no right of succession exists

We will serve a Notice to Quit and Use and Occupation charges will be levied. Where a person does not have the right to succeed to a tenancy and is left in occupation following the death of a tenant, we will consider whether the applicant can be considered for Band 1 Status under the Housing Allocations Policy. Each case will be assessed and the applicant must meet at least one of the following circumstances:-

- *They have been living with the tenant for a year before the tenant's death*

Or

- *They have been looking after the tenant for a substantial period of time (for example, 12 months or more);*

Or

- *They have accepted responsibility for the tenant's dependants*

If an applicant has not expressed an interest in re-housing within the appropriate time set out in the Housing Allocations Policy, their case will be reviewed. We may also express an interest in suitable properties on their behalf. If reasonable offers of a new home are refused, we may review an applicant's situation and serve a Notice to Quit on the occupant(s).

6.0 **Sole to joint tenancies**

A tenant wishing to apply for a joint tenancy with another person must apply in writing. Following this request a joint meeting with all parties will be held.

The application will be considered with regard to the following criteria:-

- *There have been no previous successions or assignments;*
- *The rent account on the sole tenancy must be clear, and there must be no other breaches of the tenancy agreement;*
- *The applicant (i.e. the person being added) is clear of housing debt to Ashfield District Council;*
- *The applicant has not been guilty of certain unacceptable behaviour in the last three years that would have incurred a penalty on the Housing Register;*
- *The applicant must be residing at the property as their main home at the date of the proposed joint tenancy and must either;*

Be the tenant's spouse or civil partner;

Or

Be another member of the tenant's family and have lived with the tenant for the whole of the previous 36 months.

('member of the family' means parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew, niece or a person who has been living with the tenant together as if they were husband and wife or as if they were civil partners).

In considering the application each case will be considered on its merits including the following:-

- *The sole tenant holds a secure tenancy;*
- *The relationship between the proposed joint tenants;*
- *The length of time the proposed joint tenant has been a resident;*
- *The age and health of the proposed joint tenants; i.e (Mental Capacity)*
- *Eligibility to join the housing register;*
- *The housing need of the proposed joint tenants;*
- *Housing need within the local area;*
- *The size of the property and whether it would be under or over occupied;*
and
- *Whether the property has any adaptations or services, which are required for use by the proposed joint tenant*
- *Designation of the property i.e. Sheltered or 60+*

Even if the above criteria is satisfied, joint tenancies will only be granted at the discretion of the Service Manager – Housing Management and Tenancy Services.

Applications for joint tenancies, which include more than one additional tenant, will not normally be approved.

If a joint tenancy is approved, a new tenancy will be granted.

Should an application for a joint tenancy be refused, tenants can appeal against this decision by using the Council's Complaints Policy.

7.0 Approach to tenancy management

7.1 Tackling tenancy Fraud

We take a pro-active approach in undertaking occupancy checks and work in partnership with other agencies to tackle tenancy fraud. We will take immediate action to terminate tenancies where tenancies have been obtained by the making of a false or misleading statement or have been wholly sub-let.

7.2 Interventions to sustain tenancies and prevent unnecessary evictions

We may:-

- Provide Money Management advice to support tenants and prevent unnecessary evictions
- Signpost tenants to services that will support tenants to help maintain tenancies and prevent unnecessary evictions

- Provide assistance and support for vulnerable persons associated with Anti-Social Behaviour to ensure that tenants who experience or perpetrate Anti-Social Behaviour are supported.

In order to encourage tenants to report incidents of Ant-Social Behaviour, we will always listen to reports we receive. We are committed to using the full range of powers to tackle Anti-Social Behaviour including interventions such as mediation and provision of support. We will, where such interventions do not work, take firm action against any breach of tenancy conditions in conjunction with our partner agencies.

8.0 Useful Contacts

TO BE INCLUDED HERE