

# ARUN DISTRICT COUNCIL

## REPORT TO AND DECISION OF ENVIRONMENT COMMITTEE ON 20<sup>TH</sup> JANUARY 2022

**SUBJECT:**

**Disabled Facilities Grant Charge Recycling Policy**

**REPORT AUTHOR:** Louise Crane, Principal Environmental Health Officer

**DATE:** 15<sup>th</sup> November 2021

**EXTN:** 01903 737669

**AREA:** PLACE

**EXECUTIVE SUMMARY:**

This report seeks approval for any funds received by the Council, via repayment of Disabled Facilities Grant charges, to be recycled to fund further adaptations for private sector residents.

The West Sussex Disabled Facilities Grant Policy 2020-2024 which was approved by Cabinet on 9<sup>th</sup> December 2019, includes the provision that a Local Land Charge will be placed on the owner occupier's adapted property where the DFG exceeds £5,000. The land charge will be limited to a maximum of £10,000 (mandatory scheme statutory limit). The Charge will be incurred if the property is sold within 10 years.

**RECOMMENDATIONS:**

That Committee approve that any funds received by the Council via repayment of Disabled Facilities Grant charges, be recycled to fund further adaptations for private sector residents.

**1. BACKGROUND:**

- 1.1 The Disabled Facilities Grant (DFG) is a mandatory grant, provided by local housing authorities under the Housing Grants, Construction and Regeneration Act 1996, towards the cost of eligible works necessary to support people of all ages and most tenures to live independently and safely in their own homes. Local Authorities have a statutory duty to provide DFGs to applicants who qualify. Adaptations to Council owned housing are provided via a different route and a separate funding stream.
- 1.2 The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (RRO) enables Councils to support the wider prevention agenda of housing, social care and health authorities. The Care Act 2014 provided further direction towards earlier intervention and prevention.

- 1.3 In 2015 Government funding was pooled into a single budget for health and social care services to work more closely together – the Better Care Fund (BCF). The BCF provided an increase in funding for home adaptations and other interventions to improve integration between health, social care and housing services.
- 1.4 The BCF is contributing to the additional allocation for DFGs provided to the Councils in West Sussex under an annual determination from Central Government. The BCF aims to improve health and wellbeing by encouraging more flexible use of DFG monies.
- 1.5 On 9<sup>th</sup> December 2019 Cabinet agreed the adoption of the West Sussex Disabled Facilities Grant Policy 2020-2024. The Districts and Boroughs in West Sussex came together to agree this single DFG policy which applies across the whole county area with three main aims:
- To improve consistency for residents to help them live safely and independently for as long as possible at home.
  - To help more people via the provision of a range of discretionary grants.
  - To assist people more quickly, for example minor adaptations can be arranged by West Sussex County Council rather than having to apply for a DFG.
- 1.6 Under the Housing Grants, Construction and Regeneration Act 1996, the Disabled Facilities Grant (Conditions relating to approval or payment of Grant) General Consent 2008 was made and gave power to the Local Authority to impose conditions of repayment.
- 1.7 Therefore the West Sussex Disabled Facilities Grant policy includes the provision that a Local Land Charge will be placed on the owner occupier's adapted property where the DFG exceeds £5,000. The land charge will be limited to a maximum of £10,000 (mandatory scheme statutory limit). The Charge will be incurred if the property is sold within 10 years of the certified date ie. works completed.
- 1.8 The DFG will be registered as a Local Land Charge and will be enforced when the applicant has disposed (whether by sale, assignment, transfer or otherwise) of the premises in respect of which the grant was given. In this event the Council may require repayment of the land charge before being removed from the local Land Charges Register.
- 1.9 The applicant is required, from the certified date throughout the grant condition period of 10 years, to notify the relevant Council of their intention to sell or otherwise dispose of the property. The applicant will need to provide the Council with any information reasonably requested by them in connection with such notification.
- 1.10 Charges have routinely been registered as a Local Land Charges and repayment has been required by applicants who have sold their properties within the qualifying period. The table below shows the monies that have been recovered over the past 3 years:

Financial Year	Amount of Charges Repaid
2018/2019	£30,396
2019/2020	£46,805
2020/2021	£32,644
2021/2020 Up to end of November 2021	£36,058

1.11 Therefore authorisation is requested from Members to be able to use current and future proceeds for the purpose of providing further adaptations.

## 2. PROPOSAL(S):

That Committee agree that any funds received by the Council via repayment of Disabled Facilities Grant charges, be recycled to fund further adaptations for private sector residents.

## 3. OPTIONS:

To not agree to the recycling of any Disabled Facilities Grant repayments and thereby not helping to increase the funds available for private sector residents to access adaptations for their homes.

## 4. CONSULTATION:

Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council		X
Relevant District Ward Councillors		X
Other groups/persons (please specify)		X

5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)	YES	NO
Financial	X	
Legal		X
Human Rights/Equality Impact Assessment		X
Community Safety including Section 17 of Crime & Disorder Act		X
Sustainability		X
Asset Management/Property/Land		X
Technology		X
Other (please explain)		X

## 6. IMPLICATIONS:

Financial:

The proposed policy would result in repayments of grant being credited to the General Fund as receipts of less than £10,000 are treated as revenue receipts under accounting

regulations. The income would be credited against the service account thereby reducing the net cost of service provision.

Human Rights/Equality Impact Assessment:

An equalities impact assessment has been completed and does not identify any adverse impacts.

**7. REASON FOR THE DECISION:**

Working in partnership with West Sussex County Council and West Sussex District and Borough Councils the aim is to make best use of the Better Care Fund and enable more residents to live independent and safely within their own homes.

**8. BACKGROUND PAPERS:**

[West Sussex Disabled Facilities Grants Policy 2020-2024](#)

[Cabinet Decision reference C/024/01122019](#)

Equality Impact Assessment