

Housing Services - table of policy amendments 2022

Enforcement and Licensing Policy

Enforcement and Licensing Policy section amended	Change suggested	Comments
All inc. Pg. 7 - 8	Updating the legal references within the policy, including new powers under statute and addressing the Government Code on how regulators should operate known as the Regulators Code.	No material change to policy
Page 8, Appendix 1 page 22	Financial penalty applies for new offence under the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020.	Consequence of new powers as a result of regulations
Page 7	Formal enforcement approach for non-compliance with HMO Licensing requirements Added exception to working with landlord informally.	There has been much publicity regarding the requirements of HMO licensing and is therefore felt formal action is required in order to deter non-compliance.
Pages 7 – 8, Appendix 1 Pg. 23	Introducing the option of financial penalties for the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020. The level of fine ranges from £50 to £30,000 for the most serious cases.	These penalties will be calculated following the same process as offences under the Housing and Planning Act 2018.
Pages 7 – 8, Appendix 2 Pgs. 29 - 32	Introducing a statement of principles for determining a penalty charge for offences under the Smoke & Carbon Monoxide Alarm (England) Regulations 2015. The level of fine ranges from £1250 to £5000.	The statement of principles followed when deciding on the penalty charge amount for failing to comply with a remedial notice served under these regulations. The Council may revise its statement of principles at any time and where it does the revision will be published.

Appendix 2 Pgs. 29 - 33	Introducing a statement of principles for determining a penalty charge for offences under The Redress Schemes for Letting Agency Work and Property Management Work (Requirement to Belong to a Scheme etc.) (England) Order 2014. The level of fine ranges from £2500 to £5000.	As above for statement of principles for Smoke and Carbon dioxide alarm offences
-------------------------	---	--

Empty Residential Property Policy

2018 policy section amended & page No.	Proposed change	Justification/ Service implication
Not currently included in policy Page 9	Additional Funding Opportunities to be explored e.g. landlord leasing schemes, energy grants	to further support bringing their properties back into residential use
Page 15 and Appendix 4 Properties subject to an annual mail out Page 11 & 12	Remove Appendix 4: Class E Council Tax Exemption Reviews and Client Finance section from policy and introduce a wider annual review of all the CT exemption cases of which CLASSE cases will be part. Empty properties, as defined by the policy and subject to one of the Council Tax exemptions, will receive an annual letter offering assistance and reminder in bringing the property back into use.	Review will include a mail merge, visits where appropriate, record updates, referrals to tracing agents and consideration of enforcement options.
Strategic aim not currently included in policy. Add to Page 12, 22,23 and 24 - Appendix 5	Incorporate using empty properties to deliver affordable housing into the aims of the policy and strategic direction for empty property work.	Empty properties could contribute to meeting housing priorities identified in Corporate Strategy - Delivering affordable and social housing

<p>Affordable Housing Feasibility Assessment Template - Appendix 5</p>	<p>Affordable Housing Feasibility Assessment Template Priority cases can be assessed for their suitability for their potential to meet strategic housing need to allow the identification of properties that could meet a bespoke housing need</p>	<p>Potential for additional properties to be brought back into use by the Council e.g. for adult social care or refugee resettlement (See appendix 5 for criteria)</p>
<p>Page 15 We Care and Repair carry out Works in default</p>	<p>Remove section on We Care & Repair</p>	<p>WC&Repair are used on a case by case basis by Housing services, the same as many other contractors so should not be advertised in the EP Policy.</p>
<p>Page 13 Identification of homeowners who are committing Council Tax fraud.</p>	<p>Referred to as Council Tax Record Maintenance. Empty Property identification and investigation will help ensure Council Tax records are correct and up to date. Incorrect records can lead to deliberate or accidental Council Tax fraud.</p>	<p>The policy more accurately describes the cross-service work being carried out.</p>
<p>The Financial assistance offered to the owners of empty properties including loans and discretionary grants Pages 19,20,21</p>	<p>Appendix 4 – Empty Property Financial Assistance The budget for the empty Property Financial assistance will remain part of the wider Decent Homes Policy as this is the umbrella RRO policy, but the process and procedure will be moved into the Empty Residential Property Policy</p>	<p>The Empty Property financial assistance offer, will be administered and overseen by the Enabling and Development Team. It will allow amendments and updates to the conditions of the grants and loans can be made by the Enabling and Development Team.</p>
<p>Cap on the number of EP Grants any one owner can apply for. Pages 19,20,21</p>	<p>A maximum of three grants can be claimed per applicant, per financial year making the maximum combined amount an individual can claim £1,500 per financial year.</p>	<p>The cap would prevent empty property owners claiming grants on multiple flats within one building for example. Budget for EP Grants per financial Year: £5000</p>

Cap on EP Loans an individual can apply for per financial year. Pages 19,20,21	A maximum of 90K loans can be claimed per applicant, per financial year. That is three units of accommodation where a unit is a house or flat with its own Council tax reference.	The cap would help maximise the number of empty properties the EP Loan facility helps to bring back into use. Budget for EP Loans per financial Year: £100,000
The EP grant conditions on proof of title for the empty property. Pages 19,20,21	Remove the necessity for proof of title for both loan and grant, to only loan (requested by Lendology as part of the application process).	Registered ownership is not necessary for claiming the grant, as applicant could be an executor or person with power of attorney readying the property for sale while probate is being granted.
Inclusion of works to improve energy efficiency is not in the current policy Pages 19,20,21	Eligible works for an EP loan can include works to improve energy efficiency in circumstances where a rented tenure is the intended outcome (as an EPC rating is necessary).	Empty properties could contribute to meeting housing retrofit priorities identified in Corporate Strategy
EP Loan condition on time limit for completion of works Pages 19,20,21	Change to 1 year to reflect an understanding of the issues with sourcing materials or unexpected delays in the works.	Officers do not have capacity enforcing early/immediate repayment of an EP loan.
New repayment offer by Lendology finance. Pages 19,20,21	A 2-year deferred repayment period in which only interest is payable can be requested at the start of the 10 year repayment period.	This could increase uptake of the loans, especially amongst owners intending to sell the property immediately on completion of the works.
Further detail of not in current policy Pages 19,20,21	Eligible works must only relate to the main building considered empty The purchase of materials can be considered eligible works if agreed by the Empty Property Officer. While the purchase of integrated appliances is permissible, the purchase of freestanding kitchen appliances is not considered eligible works.	Clarification of is needed regarding what will be considered as eligible works, relating to the purchase of materials, appliances and fittings.

Decent Homes Policy

Decent Homes Policy 2019 section amended	Change suggested	Comments/Justification and evidence
Section 1 to 7 of the DH Policy	Review and condense these parts.	They are out of date and need summarising.
General non-material change	Resolve issues with inconsistencies with the use of the term vulnerable.	Related to small changes made over time
DFGs - Appendix A- Section 1 of the DH Policy Pg.18	Eligibility for DFGs - Remove need for TORs (Test of Resources) for DFG applicants on Council Tax Reduction.	<p>Helps prevent low-income applicants slipping through the net and not applying as they don't want to do a TOR. They are unlikely to be able to afford the works, so they don't get done and are at higher risk of hospitalisation.</p> <p>These clients are on a low income and if they have a contribution it is rarely over £1000.</p> <p>Cost effective measure to improve efficiency of DFG delivery. They would be recorded as Mandatory DFGs as far as Delta Returns are concerned. (GS)</p>
DFGs - Appendix A- Section 1 of the DH Policy Pg. 17	<p>Introduce discretionary DFGs to help fund removal expenses where an applicant wants to move to more suitable accommodation, where this is the most cost-effective option. We propose a limit for this grant of £10,000.</p> <p>This can help reduce the need for costly schemes over the DFG maximum. Where this is a cost-effective solution.</p>	<p>Provides an additional solution when a house is difficult to adapt and unsuitable for the disabled occupant.</p> <p>Policy to specify what we will pay for in moving costs. Removal van, and reasonable fees for estate agent and solicitor etc.</p>
DFGs - Appendix A- Section 1 of the DH Policy	Simplify the process for approving Discretionary DFG top-ups for when the mandatory DFG is insufficient to fund the	The Panel has not worked well as it has been sometimes difficult to identify other professionals who could understand the case outside of the OT Manager

Pg. 19	<p>eligible works required to meet a disabled person's needs.</p> <p>The DFG Panel as set out in the current Policy will no longer be required. Instead, further to a recommendation from the Housing Officer (Senior EHO) and OT Manager to Housing Services Manager (HSM), the HSM can approve the Top-up (or not). All cases to be recorded as ODDs (Officer Delegated decisions) but kept anonymous on the list. Includes emergency top ups.</p>	and the HSM. This had led to delays in the past. This change would write into the Policy what is in reality; current practice, as well as ensuring decisions are recorded.
DFGs - Appendix A-Section 1 of the DH Policy. Assistance Schemes Summary Pg. 43	Increase the proportion of the DFG budget available for discretionary Top-ups for DFGs from 5% to 20%	There is increasing number of large complex DFGs which are requiring higher levels of funding than when the 5% limit was set a number of years ago
DFGs - Appendix A-Section 1 of the DH Policy Pg 23	Regarding charges to be placed on properties, align the 10-year period for reclaiming grant, should a property be sold. This is so it is the same for Mandatory DFGs as it is for discretionary Top-ups (when the Top-ups are repayable grants paid to owner occupiers).	Currently there is an indefinite amount of time for charges to remain on owner occupied properties where a discretionary top-up has been paid. This is difficult to keep track of over time and impractical to administer.
DFGs - Appendix A-Section 1 of the DH Policy Pg. 19	In the Policy it suggests that a discretionary top-up referred to as a "repayable grant" is put as a charge on the properties. It does not clearly mention that this cannot be the case where the property is rented.	A non-material change to the Policy just clarification.

<p>DFGs - Appendix A- Section 1 of the DH Policy Pg. 19 AND Section 4 Pg.38</p>	<p>Make Affordable Warmth (AW) Grants available to applicants/ household in receipt of a DFG regardless of the household income of the family.</p>	<p>This would include children's DFGs. Children are not means tested for DFGs but their household may have in income that would mean they did not qualify for AW. Others already meet statutory means test.</p>
<p>Appendix A Section 2 of the DH Policy. Pg. 26</p>	<p>As an addition to loans available for repairs add in an unsecured loan of up to 1K, with no more than one loan per applicant pr year.</p>	<p>Provides and additional easy to use/administer tool for helping vulnerable people carry out essential repairs. Useful where they are not eligible for an Urgent Repairs Grant. Usually, Lendology would not want to offer small loans as they are not cost effective with the admin. If they are unsecured then less is involved to set them up. They are small amounts, so the risk is low. These loans are subject to available funds.</p>
<p>Appendix A Section 2 of the DH Policy and various places where names need changing.</p>	<p>Alter names in the Policy to change Wessex CIC to Lendology CIC and any other similar update that is required</p>	<p>General non-material changes to the Policy</p>
<p>Urgent Repairs Grants. Appendix A Section 3 of the DH Policy Pg. 32</p>	<p>Change to the eligibility criteria, so that URGs are only for applicants on a means tested benefit, as listed in the current Policy and NOT for anyone else. Proposed that exception can apply where an applicant on a low income not claiming benefit at discretion of HSM. TOR may still be required.</p>	<p>Housing Services does not have the time and resources to carry out Test of Resources for applicants on a low income who are not claiming a means tested benefit.</p>
<p>Home Energy Efficiency Appendix A Section 4 of the Dh Policy. Pg. 38</p>	<p>The current Policy does not state the income eligibility for the Affordable Warmth/Warm Homes Grants. Update with eligibility on income - Household income of up to £30K - savings not counted.</p>	<p>This criterion currently stated only in the Affordable Warmth procedure. It should be placed in the DH Policy. Current eligibility is £20K saving £30K income. Making the change will bring it in line with the Government scheme.</p>

<p>Home Energy Efficiency Appendix A of the DH Policy. Section 4 Pg. 37</p>	<p>Ensure web addresses and telephone numbers for Energy Efficiency Services are correct</p>	<p>0800 038 5680 or 01225 39644 https://www.energyathome.org.uk https://www.energyathome.org.uk/contact-us.</p>
<p>Appendix A of the DH Policy. Section 5 Pg. 40</p>	<p>For clarity amend the sentence on eligible works: Eligible works include community alarms, key safes, telecare equipment and other assistive technology to promote independent living. (This section is to be reviewed in line with future policy on telecare and Community Equipment)</p>	<p>This is small amendment for adding clarity. This work is already funded as they are all types of alarm. They are small grants of £150 which make a contribution to the works for low-income vulnerable applicants.</p>