

Report of	Meeting	Date
Director (Communities) (Introduced by Executive Member (Homes and Housing))	Executive Cabinet	Thursday 30 th March 2023

Permission to consult on the revised Private Sector Housing Assistance Policy

Is this report confidential?	No
Is this decision key?	Yes
Savings or expenditure amounting to greater than £100,000	Significant impact on 2 or more council wards

Purpose of the Report

1. To seek permission from Executive Cabinet to consult on the revised draft Private Sector Housing Assistance Policy, with a view to adopting the revised policy with effect from July 2023.
2. To outline the reasons for the key recommended changes in the revised draft Private Sector Housing Assistance Policy.

Recommendations to Executive Cabinet

3. That Executive Cabinet approves the draft revised Private Sector Housing Assistance Policy for stakeholder consultation from April to June 2023, including consultation with the Equality Forum at their meeting on 20th June.
4. That any minor changes to the draft policy following the consultation can be approved by the delegated authority of the Executive Member (Homes and Housing). Any significant changes arising from the consultation would be brought back to Executive Cabinet on 13th July 2023.

Reasons for recommendations

5. The existing Private Sector Housing Assistance Policy has been in place since June 2018 and is due for review. Certain aspects of the existing policy have either ceased (principally due to cessation of fixed term external funding) or are now being delivered differently.

6. The Government issued updated Disabled Facilities Grant (DFG) Delivery Guidance for Local Authorities in England in 2022 which the proposed policy seeks to reflect.

Other options considered and rejected

7. As the Government has issued revised DFG Delivery Guidance it would not be appropriate to defer the revision of the Council’s Private Sector Housing Assistance Policy.

Executive summary

8. The report seeks permission to engage in stakeholder consultation on the draft revised Private Sector Housing Assistance Policy between April and June 2023.
9. The report notes that the draft revised policy has been compiled following publication of updated Government guidance to Local Authorities on the delivery of DFG.
10. The report requests that any minor changes to the policy after the consultation period are to be considered and approved by the delegated authority of the Executive Member (Homes and Housing).
11. The key policy proposals are set out in Table 1 within this report.
12. One HR implication within the suite of policy recommendations relates to the proposal to appoint (on a pilot project basis) an Occupational Therapist within the Home Improvement Agency (HIA) team. This option is to be addressed in more detail as an item at a future Executive Cabinet meeting.
13. There are no customer service implications within the report.

Corporate priorities

14. The report relates to the following corporate priorities:

Housing where residents can live well	A green and sustainable borough
An enterprising economy with vibrant local centres in urban and rural areas	Healthy, safe and engaged communities

Background to the report

15. The Council’s existing Private Sector Housing Assistance Policy was introduced in April 2017, initially on a one-year pilot basis, before a further report to Executive Cabinet in June 2018 led to the policy being adopted longer-term.
16. Key to the existing and revised policy is a wish to be able to respond flexibly to our vulnerable residents by using the provisions of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (commonly known as the ‘RRO’) to widen the eligibility criteria for DFG, which is the only mandatory grant for which the Council has responsibility under this policy.
17. With the exception of DFG, which is a statutory function of the Council, the proposals set out in the report and in the draft revised policy in Appendix 1 are subject to the availability of funding and are provided at the Council’s discretion.

18. The revised proposals address the revised DFG Delivery Guidance as well as taking into account other changes in the environment such as the inflationary pressures which are impacting adversely on the cost of providing adaptations.

Impact of the current policy: widening eligibility criteria for DFG

19. Under the existing policy, which has been in place initially since April 2017 (and endorsed on a longer term by Executive Cabinet in June 2018), the Council has been able to progress many more cases than would have been possible without the introduction of the 'Chorley Adaptation Grant' (the non-means tested counterpart to the conventional Disabled Facilities Grant).
20. From 2017 onwards the Chorley Adaptation Grant (CAG) has become the principle means of accessing a grant for major adaptations via Chorley Council. For example, in the current year to date, as at 15th March 2023, there have been 109 grant approvals of which 16 (15%) were DFG applications and 93 (85%) were CAG applications.
21. The CAG route is a streamlined application process, with a short application form and does not require applicants to disclose financial information. This is an important consideration, not simply in terms of widening eligibility criteria for those applicants who might have failed a financial assessment, but also in terms of encouraging people to come forward and seek assistance in the first place.
22. Prior to 2017 the HIA team encountered numerous residents who were reluctant to engage with the DFG assessment and application process because they were reluctant to disclose any financial information. With the use of the CAG these 'entry barriers' have receded and, as the figures indicate, the CAG option enables many residents to receive assistance and thus prolong their independence while remaining at home.

Revised Private Sector Housing Assistance Policy: Funding and scope

23. Since 2015 the Government has provided funding for DFG through the Better Care Fund. The Government provides ring-fenced DFG to BCF budget holders (which in Lancashire is LCC - Lancashire County Council). In 'two-tier' administrative areas within the county such as Chorley, District Councils administer DFG using the funding which LCC has a duty to pass on in its entirety unless otherwise agreed.
24. The levels of DFG funding by the Government have increased in recent years. When the current policy was adopted at the start of 2018/19, the national annual allocation for England was £523M. This has risen to £573M for the current year 2022/23 and funding commitments from the Treasury are in place to retain the same level of £573M for both 2023/24 and 2024/25.
25. In 2022/23 the Council has received a DFG allocation of £878,988 via the BCF, and it is anticipated that this level will continue in 2023/24 and 2024/25.
26. Such DFG funding commitments are useful in terms of boosting confidence that the Council will continue to be able to implement the non-statutory aspects of the Private Sector Housing Assistance Policy in coming years.

27. The revised policy proposals retain the principle of widening eligibility criteria, which have proven to be effective in the past 5 years in assisting residents who might have been ineligible for DFG assistance otherwise.
28. The revised proposals also incorporate a more holistic approach than simply the provision of major adaptations. Other services such as Handyperson, Affordable Warmth Assistance, Hospital Discharge Grant and Dementia Grant all seek to contribute to residents' wellbeing, independence and safety.
29. Wider determinants of Health in terms of standards of accommodation are addressed in the Housing Standards policy. Similarly, although the environmental agenda including Climate Change is not a major component of this policy, Affordable Warmth interventions are covered within this policy.

Revised Private Sector Housing Assistance Policy: Key Proposals

30. **Table 1** below summarises the issue for each of the policy proposals, sets out the difference between them and the relevant clause in the existing policy, and offers an explanation as to why the item is being recommended.

Table 1

Issue	Existing Policy (since 2018)	Proposed Policy (from 2023)	Explanation
Discretionary DFG (in excess of mandatory maximum award)	Up to £10,000 can be added to the statutory maximum DFG award of £30,000 per application	Up to £20,000 can be added to the statutory maximum DFG award of £30,000 per application. See draft policy: Appendix B, Section B1	Reflects market conditions – inflation is continuing to affect cost of building materials
CBC Housing Strategy 2019-24	Existing policy pre-dates the adoption of the Housing Strategy	Is integrated with the CBC Housing Strategy 2019-24. See draft policy: paragraph 1.0 'Introduction and Policy Aims'	Demonstrates aligned aims and objectives
Integrated Home Improvement Services (IHIS)	IHIS was an LCC initiative started in 2015 and comprised funding provided to the Council for 'core' Home Improvement Agency (HIA) work, Handyperson service and Minor Adaptations. The funding ceased in March 2020.	The Handyperson service and the Minor Adaptations service are retained within the proposed policy. Handyperson services are funded by the Council. LCC funds the Minor Adaptation service, with the Council as its delivery agent in Chorley. See draft policy: Appendix B, sections B5 and B7	The proposed policy reflects the current position
Policy Monitoring	The policy states that	Proposal is for an interim	The proposed

	an annual review would be undertaken	review every two years and a full review two years after each interim review. See draft policy: paragraph 9.0 'Monitoring, Review and consultation'	intervals for reviewing the policy are a more realistic and achievable timeframe.
Occupational Therapist (OT) within the HIA team/Communities service	Existing policy does not contain this provision	Proposal to engage an OT on a pilot basis within the HIA/Communities service. See draft policy: paragraph 5.3 'Applying for Assistance'	To facilitate a more responsive assessment process which can also link in more effectively with other support services available within the Council
Application forms available online	Existing policy does not contain this provision	Proposal to place application forms online. See draft policy: paragraph 5.5 'Applying for Assistance'	To enable fairer and wider access to information
Cases which fall outside the policy	Existing policy allows the Council 'in exceptional circumstances to adopt a more flexible approach to offer other adaptation items that are not available under DFG'	Proposal to give delegated authority to Director of Communities to authorise funding for adaptations in exceptional circumstances (eg applicants failed DFG financial assessment but can demonstrate that hardship would result from assistance not being provided) See draft policy: Paragraph 6.0 'Cases which fall outside the policy'	Clarifies and confirms the Council's commitment to seeking to assist where possible
Key Performance Indicators (KPIs)	Existing policy does not contain local KPIs	Proposal to include local KPIs within the revised policy (these are already in place and are reported to Senior Management) See draft policy: paragraph 10.0 'Key Performance Indicators'	Provides clarity and transparency to service users and the wider public about the Council's targets relating to the operation of this policy.
Hospital Discharge Grant	Existing policy does not contain this provision	Proposal to offer grant to assist residents whose home needs urgent work	Helps to address Better Care Fund priority of more

		to facilitate safe discharge. See draft policy Appendix B, Section B.3	timely discharge of patients from hospital/care
Dementia Grant	Existing policy does not contain this provision	Proposal to support residents with dementia diagnosis preventatively before condition escalates to a DFG being required. Small modifications to help a person to stay safely at home for longer. See draft policy: Appendix B, Section B.4	Assists residents to stay at home independently for longer while managing pressure on DFG budget. It is a recommendation in the updated DFG Delivery Guidance
Affordable Warmth Assistance	Existing policy does not contain this provision	Proposal to retain this existing service See draft policy: Appendix B, Section B.6	To provide boiler servicing and associated assistance to enable qualifying residents to achieve affordable warmth
DFG Professional fee reimbursement	Existing policy allows for costs of private OT assessment to be reimbursed to an applicant if a DFG award is made.	Proposal to confirm that the costs of a private OT assessment (typically £200) can be reimbursed to an applicant even if a DFG grant is not actually awarded – eg if recommended adaptation proves to be technically unfeasible See draft policy: Appendix A, Section A5	Equitable treatment of DFG applicants
Council Tax Support as a 'qualifying benefit'	Existing policy does not address this issue	Proposal to treat applicants in receipt of Council Tax Support as having a qualifying benefit for the purposes of DFG. See draft policy: Appendix A, Section A17	Equitable treatment of DFG applicants. Council Tax Benefit (until discontinued by the Government) was a qualifying benefit for DFG. Council Tax Support is its replacement and Councils have discretion under the Regulatory Reform Order (RRO) whether as to whether to classify it as a DFG

			qualifying benefit.
Conversion of DFG referral to CAG referral	Existing policy does not address this issue	Proposal to permit the conversion of a DFG referral into a CAG in certain circumstances See draft policy: Appendix B, Section B2 'Conditions'	Equitable treatment of DFG applicants
Repayment of DFG	Existing policy notes the legislation in respect of Land Charges and the facility to seek repayment of DFG in certain circumstances	Confirmation of the Council's position in terms of its application of the legislation See draft policy: Appendix C	Provides clarity and transparency to service users and the wider public about how the Council administers this policy.

Climate change and air quality

31. The work noted in this report has an overall positive impact on the Council's Carbon emissions and the wider Climate Emergency and sustainability targets of the Council.
32. In particular, the report impacts on the following activities highlighted **in bold**:
- a. net carbon zero by 2030,
 - b. **energy use** / renewable energy sources
 - c. waste and the use of single use plastics,
 - d. sustainable forms of transport,
 - e. **air quality**,
 - f. flooding risks,
 - g. green areas and biodiversity.

Equality and diversity

33. The policy proposals outlined in this report serve to assist eligible residents in accordance with the protected characteristics set out in the Equality Act. The inclusion of funding for discretionary services which go beyond the statutory minimum provision required within the DFG legislation help to ensure that services which are delivered or facilitated under this policy are administered in accordance with Equality Act principles.

Risk

34. The lack of available funding to offer the non-statutory elements of this policy is the key risk. However, this is mitigated by the existence of Treasury funding commitments over the years 2023/24 and 2024/25 as well as the policy document clearly stating that the discretionary features of the policy are subject to funding availability and may be withdrawn at any time without notice.

Comments of the Statutory Finance Officer

35. The proposals represent a reflection of current price increases and the potential need for increased discretionary awards on DFGs. The capital programme reflected the DFG funding received and overall spend is kept within allocations received.

Comments of the Monitoring Officer

36. The report seeks authority to go out for a period of consultation on a proposed revised/updated policy. This policy is designed to be consistent with the recently published DFG Delivery Guidance published from Government.
37. The DFG element of the policy is a statutory function. Both County and District councils have a role to play in this regard. Other provisions in the policy are discretionary. They are designed to enable us to respond flexibly to the needs of our vulnerable residents. Services provided include the Handy Person service and the Hospital Discharge Grant.
38. There are no Monitoring Officer's concerns with what is proposed here.

Background documents

Disabled Facilities Grant (DFG) delivery: Guidance for Local Authorities in England (2022)

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1065574/DFG_Guidance.pdf

Appendices

Appendix 1 'Private Sector Housing Assistance Policy 2023': Draft for Consultation

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This decision will come into force and may be implemented five working days after its decision date, subject to being called in in accordance with the Council's Constitution.