

The Vale of Glamorgan Council

Cabinet Meeting: 3 October, 2016

Report of the Cabinet Member for Housing and Social Care and Health

Officer Delegation to Waive Disabled Facilities Grant Conditions

Purpose of the Report

1. To seek Cabinet's approval for a new officer delegation to waive Disabled Facilities Grant ("DFG") conditions up to the value of £10,000 (which is the maximum amount that can be written off under the Managing Director and Section 151 Officer's delegated powers) in line with the Council's Housing Renewal Policy.

Recommendations

1. That the existing officer delegation identified as number 32 under (A) General in the delegations is amended to "To approve, in consultation with the Section 151 Officer and the Cabinet Member for Housing, and Social Care and Health, requests for waiving conditions relating to the repayment of money up to the value of £10,000 in relation to Disabled Facilities Grants, (house renovation) grants and group repair schemes in accordance with Council policy".

Reasons for the Recommendations

1. To ensure there is mechanism for the Council to consider and approve the waiver of Disabled Facilities Grant conditions where this is likely to result in a write off of a debt owed to the Council in accordance with Council Policy up to a limit of £10,000 (which is the maximum amount that can be written off by the Managing Director or Section 151 Officer under their existing delegated powers).

Background

2. The Council has a statutory duty to consider and approve applications for Disabled Facilities Grants (DFG). When a DFG is approved it is subject to grant conditions.

3. These conditions are set out in the Disabled Facilities Grant (Conditions relating to approval or payment of Grant) General Consent 2008 and were adopted by the Council through its Private Sector Housing Renewal Policy 2014.
4. The conditions apply for a 10 year period in respect of the DFG from the certified date (the date works are completed) and require the applicant to remain in ownership and occupation of the property throughout the grant condition period.
5. If the grant conditions are breached (i.e. through the sale of the property) during this period, the legislation allows for the Council as housing authority to seek repayment of such part of the DFG award that exceeds £5,000. It will become repayable where the applicant has an owners interest in the property and this interest is disposed of within 10 years of the certified date.
6. However, the Council having considered the following matters must be satisfied that it is reasonable in all the circumstances to require the repayment. These are:
 - (i) the extent to which the recipient of the grant would suffer financial hardship were they to be required to repay all or any of the grant;
 - (ii) whether the disposal of the premises is to enable the recipient of the grant to take up employment, or to change the location of his employment;
 - (iii) whether the disposal is made for reasons connected with the physical or mental health or wellbeing of the recipient of the grant or of a disabled occupant of the premises; and
 - (iv) whether the disposal is made to enable the recipient of the grant to live with, or near, any person who is disabled or infirm and in need of care, which the recipient of the grant is intending to provide, or who is intending to provide care of which the recipient of the grant is in need by reason of disability or infirmity,
7. If having considered the matters referred to at paragraph 6 (i)-(iv) above, it is not satisfied that it is reasonable in all the circumstances to require the repayment, in such circumstances, the Council would seek to waiver the grant conditions previously imposed.

Relevant Issues and Options

8. There is currently no specific delegated power to Officers contained within the Council's constitution to allow DFG grant conditions to be waived, as the delegation does not, as written, make specific reference to DFG's.
9. Accordingly, this report seeks Cabinet's approval to amend the existing officer delegation which refers to housing repair and group repair grants, to allow the Head of Service responsible for the DFG service, Regeneration and Planning, the authority to approve a waiver of grant conditions for DFG's as well as and in addition to housing and group repair grants, in consultation with the Section 151 officer and relevant Cabinet Member.
10. This delegation will amend an existing officer delegation in the Council's constitution that enables the waiver of grant conditions for repair grants and group repair grants from:

"To approve, in consultation with the Section 151 Officer and the Cabinet Member for Housing, Building Maintenance and Community Safety, requests for waiving conditions relating to the repayment of money in relation to (house renovation) grants and group repair schemes in accordance with Council policy"

To:

"32. To approve, in consultation with the Section 151 Officer and the Cabinet Member for Housing, and Social Care and Health, requests for waiving conditions relating to the repayment of money up to the value of £10,000 in relation to Disabled Facilities Grants, (house renovation) grants and group repair schemes in accordance with Council policy".

Resource Implications (Financial and Employment)

11. There is an identified capital budget for the approval and payment of Disabled Facilities Grants.

Sustainability and Climate Change Implications

12. Adaptations to a property allow the occupant to remain at home as long as possible to enable them to contribute to a sustainable community.

Legal Implications (to Include Human Rights Implications)

13. Under the Housing Grants, Construction and Regeneration Act 1996, the Council has a statutory duty to consider and approve applications for Disabled Facilities Grants
14. The Disabled Facilities Grant (Conditions relating to approval or payment of Grant) General Consent 2008 gives all local housing authorities in Wales a general consent to impose grant conditions in respect of a DFG and sets out circumstances in which the local housing authority may demand repayment of such part of the grant that exceeds £5000 if the local housing authority deems it reasonable in all the circumstances to require the payment.

Crime and Disorder Implications

15. There are no crime and disorder implications arising as a direct result of this request for a delegated power.

Equal Opportunities Implications (to include Welsh Language issues)

16. There are no specific equal opportunities implications as a result of this report.

Corporate/Service Objectives

17. Corporate Plan 2016-2020

Objective 2: Providing decent homes and safe communities.

Objective 8: Safeguarding those who are vulnerable and promoting independent living.

Policy Framework and Budget

18. This is a matter for Executive decision.

Consultation (including Ward Member Consultation)

19. This report is not ward specific so no member consultation has been completed.

Relevant Scrutiny Committee

20. Homes and Safe Communities.

Background Papers

None.

Contact Officer

Elen Probert - Team Leader, Community and Housing Renewal

Officers Consulted

Jeff Wyatt, Operational Manager Democratic Services
Carys Lord, Head of Finance/Section 151 Officer
Victoria Davidson, Operational Manager Legal Services

Responsible Officer:

Rob Thomas, Managing Director