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24 February 2009

## **S U M M O N S**

**MEETING:** Housing Board  
**DATE:** 4 March 2009  
**TIME:** 6.00pm  
**PLACE:** Committee Room 1, Town Hall, Gosport  
**Democratic Services contact:** Catherine McDonald

BOROUGH SOLICITOR

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### **MEMBERS OF THE BOARD**

Councillor Gill (Chairman)  
Councillor Bradley (Vice Chairman)

Councillor Allen	Councillor Edwards
Councillor Ms Ballard	Councillor Geddes
Councillor Beavis	Councillor Mrs Mudie
Councillor Mrs Cully	Councillor Philpott

The Mayor (Councillor Kimber) (ex officio)  
Chairman of Policy and Organisation Board (Councillor Smith) (ex-officio)

### **FIRE PRECAUTIONS**

(To be read from the Chair if members of the public are present)

**In the event of the fire alarm (single continuous sound) being activated, please leave the room immediately.**  
**Proceed downstairs by way of the main stairs or as directed by GBC staff, follow any of the emergency exit signs. People with disability or mobility issues please identify yourself to GBC staff who will assist in your evacuation of the building.**

**IMPORTANT NOTICE:**

- If you are in a wheelchair or have difficulty in walking and require access to the Committee Room on the First Floor of the Town Hall for this meeting, assistance can be provided by Town Hall staff on request

If you require any of the services detailed above please ring the Direct Line for the Democratic Services Officer listed on the Summons (first page).

**NOTE:**

- i. Members are requested to note that if any member wishes to speak at the Board meeting then the Borough Solicitor is required to receive not less than 24 hours prior notice in writing or electronically and such notice shall indicate the agenda item or items on which the member wishes to speak.
- ii. Please note that mobile phones should be switched off for the duration of the meeting.

AGENDA

RECOMMENDED  
MINUTE  
FORMAT

**PART A ITEMS**

1. APOLOGIES FOR NON-ATTENDANCE
2. DECLARATIONS OF INTEREST

*All Members present are required to declare, at this point in the meeting or as soon as possible thereafter, any personal or personal and prejudicial interest in any item(s) being considered at this meeting.*

3. MINUTES OF THE MEETINGS OF THE BOARD HELD ON 21 JANUARY AND 4 FEBRUARY 2009 [copies herewith].
4. DEPUTATIONS – STANDING ORDER 3.5

*(NOTE: The Board is required to receive a deputation(s) on a matter which is before the meeting of the Board provided that notice of the intended deputation and its object shall have been received by the Borough Solicitor by 12 noon on Monday, 2 March 2009. The total time for deputations in favour and against a proposal shall not exceed 10 minutes).*

5. PUBLIC QUESTIONS – STANDING ORDER 3.6

*(NOTE: The Board is required to allow a total of 15 minutes for questions from Members of the public on matters within the terms of reference of the Board provided that notice of such Question(s) shall have been submitted to the Borough Solicitor by 12 noon on Monday, 2 March 2009).*

6. PARTNERING ARRANGEMENTS FOR GAS SERVICING AND HEATING AND ELECTRICAL INSTALLATIONS

*The purpose of this report is to seek approval to extend the existing partnering arrangements in place for the delivery of gas servicing and installations.*

PART II  
Contact Officer:  
Charles Harman  
Ext 5287

7. HOMELESSNESS GRANTS TO EXTERNAL BODIES 2009/10

*To approve the grants set out in this report for 2009/10 and inform Members of other related grant bids.*

PART II  
Contact Officer:  
Steve Newton  
Ext 5296

Housing Board  
4 March 2009

8. HOUSING REPAIRS PROGRAMME 2009-10

*The report sets out the proposed 2009-10 Housing Repairs Programme and seeks the Board's approval for that programme.*

PART II  
Contact Officer:  
Charles Harman  
Ext 5287

9. HOUSING RENEWAL POLICY 2009-2010

*A formally adopted Housing Renewal Policy is required in order to implement changes to the home repair and adaptation system. (A copy of the Policy document is available in the Members' Room)*

PART II  
Contact Officers:  
Trevor  
Charlesworth  
Ext 5510  
Oona Hickson  
Ext 5292

10. ANY OTHER ITEMS

*- which, in the opinion of the Chairman should be considered as a matter of urgency by reason of special circumstances.*

## AGENDA ITEM NO. 6

<b>Board/Committee:</b>	Housing Board
<b>Date of Meeting:</b>	4 <sup>th</sup> March 2009
<b>Title:</b>	Partnering Arrangements for Gas Servicing and Heating and Electrical Installations
<b>Author:</b>	Housing Services Manager/CH
<b>Status:</b>	For Decision

### **Purpose**

The purpose of this report is to seek approval to extend the existing partnering arrangements in place for the delivery of gas servicing and installations.

### **Recommendation**

It is recommended that Board:

- a. Approve taking up the 2 year extension option of the current partnering arrangement with 1<sup>st</sup> Saxon - Clenmay for gas servicing until April 2011.
- b. Approve the extension of the current partnering arrangement for heating installations and electrical works until April 2011 with 1<sup>st</sup> Saxon - Clenmay.
- c. Waive contract standing order 1.4.1 in respect of (b) above.

### **1.0 Background**

1.1 The Housing Committee in March 2000 approved the letting of contracts through a partnering approach.

1.2 The Council has two partnering arrangements with 1<sup>st</sup> Saxon-Clemay;

- a. Gas servicing (partnering arrangement) 2004 – 2009 with an option to extend for two years.
- b. Gas central heating installations and electrical works 2002 – 2007 (extended to 2009).

### **1.3 Gas Servicing (Partnering Arrangement)**

In April 2004, this Council entered into a 5 year partnering arrangement with an option to extend for a further 2 years. That arrangement was with 1<sup>st</sup> Saxon-Clemay to service gas appliances (not cookers and tenant own fittings) within the Council's entire housing stock. It is proposed that the option to extend the current arrangement for a further two years (until April 2011) is approved.

### **1.4 Gas Central Heating Installations and Electrical Work (Partnering Arrangement)**

Housing Board approved the appointment of 1<sup>st</sup> Saxon-Clemay for a 5 year term in June 2002 and in January 2007 approved the extension of the arrangement for a further 2 years until 30<sup>th</sup> April 2009.

- 1.5 There are operational advantages of having the same company delivering both the gas servicing programme as well as the installation programme. The Housing Service also has an ambition to dovetail the renewal of the large partnering arrangements (Responsive repairs, cyclical and planned maintenance, gas servicing and central heating installations) together in April 2011. A future report to this Board will put forward those proposals for consideration.

## **2.0 Report**

### **Gas Servicing (Partnering Arrangement)**

- 2.1 There is a regulatory obligation to make provision to carry out an annual service of gas appliances within the Council's stock. The arrangement involves the serving of approximately 3,100 dwellings annually and has a value in the region of £315,000 per annum.
- 2.2 The levels of satisfaction expressed by tenants have been high over the first 5 years of the arrangement. In 2007- 08, 98% of residents rated the service offered as excellent or good (86% rated excellent; 12% good) with only 2% giving a rating of poor or very poor.
- 2.3 Housing Board are asked to note that in September 2008 there was a change in the ownership of 1<sup>st</sup> Saxon-Clemay. This would have appeared, as a consequence of the subsequent staff changes and restructuring, to have adversely affected the usually high quality service that has been received up to that date. In particular it affected the arranging of access where entry has proved problematic. A series of meetings with 1<sup>st</sup> Saxon-Clemay management is making substantial progress in resolving these issues.

### **Heating and Electrical installations**

- 2.4 The current arrangement was advertised and let for 5 years up to 30 April 2007 with an option to extend for a further two years. The option to extend for a further 2 years (up to 30 April 2009) was taken up in 2007.
- 2.5 The new installation programme has been successful in delivering central heating systems in preparation for meeting the Decent Homes Standard. All tenants having now been offered programmable central heating systems and in excess of 88% of properties now have highly efficient programmable gas central heating with combination boilers.
- 2.6 A small "mop up" programme is required in the next 2 years for those residents that initially refused central heating but subsequently changed their mind or for those that refused but the property has become empty. In addition there is a

renewal and replacement programme of older Baxia 3000 and back boiler systems and older central heating systems (10-15 years old plus). The extended partnering arrangement is estimated to have a value of £250,000-300,000 per annum for the next two years.

- 2.7 The levels of satisfaction with the installation of heating systems, measured independently through home visits by representatives of the Housing Forum, showed consistently good performance in 2006 - 07 (the last year of independent verification). Of the 110 returns, 96% of residents said the service they received was good or excellent. Less than 1% said the service was poor.
- 2.8 Reports from Housing Forum have consistently endorsed the satisfaction levels recorded by 1<sup>st</sup> Saxon - Clenmay in the carry out of their work.
- 2.9 Members should also note that consultation with 276 leaseholders took place in October 2006 in line with the Service Charges (Consultation Requirements) (England) Regulations 2003. There were no formal responses to the leaseholder consultation exercise.

### **3.0 Audit and Risk Assessment**

- 3.1 The Organisation of Joint European Union (OJEU) financial guidance places an obligation to advertise contracts over £3.6m across the EU. This proposed partnering arrangement does not require compliance with OJEU.
- 3.2 A full financial evaluation of 1<sup>st</sup> Saxon - Clenmay was carried out in the autumn 2006 as part of the contractor assessment process for the Council's partnering contracts works programmes. This revealed no areas of concern.
- 3.3 Open book accounting (as per all partnership arrangements) will be adopted throughout the terms of these arrangements to ensure all risks are shared and any key concerns are quickly communicated and resolved with a minimum impact on service delivery. Over the time of these two arrangements the partnership risks associated with both of these schemes will be recorded and managed from an on-line risk register.
- 3.4 In order to award a contract of this value to the partnering contractor without tendering the works, this Board will need to waive contract standing orders, in accordance with standing order 1.4.1.

### **4.0 Conclusion**

- 4.1 Were the Council to embark on a fresh arrangement at this stage, many of the financial advantages that are continuing to accrue through the current arrangement could be lost. Performance measurement and monitoring arrangements with 1<sup>st</sup> Saxon – Clenmay are now well established and contributing to an enhanced service for our customers.
- 4.2 Given the progress made by 1<sup>st</sup> Saxon – Clenmay during the first 5 and 7 years respectively of the partnering arrangements, it would be beneficial for the

Council to utilise the option of extending the original Gas Servicing arrangement for a further 2 years to April 2011 and to extend the installation and replacement programme to dovetail with the servicing arrangement until April 2011. This extension period will provide a further opportunity to deliver better value for money, as good professional working relationships have been developed with 1<sup>st</sup> Saxon – Clenmay.

- 4.3 The heating and electrical installation contractor 1st Saxon - Clenmay have regularly recorded high levels of customer satisfaction with the quality of their work and attitude of their staff.

<b>Financial Services comments:</b>	It is difficult to be precise regarding the relative cost of partnering arrangements as compared with a competitive tendering approach. Past experience has suggested that costs may be relatively similar but the quality of work and customer satisfaction rates are likely to be higher when a partnering approach is adopted.
<b>Legal Services comments:</b>	The Council has the power to enter into the new Contract proposed and to extend the existing Contract
<b>Service Improvement Plan implications:</b>	None
<b>Corporate Plan:</b>	The maintaining of the Council housing stock is a strategic priority for 'Prosperity'.
<b>Section 17 Crime &amp; Disorder Act 1998</b>	There no implications in this report
<b>Risk Assessment:</b>	See Section 3 of the report
<b>Background papers:</b>	None
<b>Appendices/Enclosures:</b>	None
<b>Report author/ Lead Officer:</b>	Charles Harman



## AGENDA ITEM NO. 7

<b>Board/Committee:</b>	Housing Board
<b>Date of Meeting:</b>	4 <sup>th</sup> March 2009
<b>Title:</b>	Homelessness Grants to External Bodies 2009/10
<b>Author:</b>	Housing Services Manager/SN
<b>Status:</b>	For Decision

### **Purpose**

To approve the grants set out in this report for 2009/10 and inform Members of other related grant bids.

### **Recommendation**

- 1). That the following grants/budgets be approved and funded by homelessness grant (unless otherwise stated):
  - a. Gosport Citizens Advice Bureau, debt service: £31,269.15 of which £3,000 to be paid from Housing Revenue Account and £17,079.15 from existing homelessness budgets. The remainder from homelessness grant;
    - o The Housing Services Manager, in consultation with the Housing Board Chairman, be given delegated power to agree a Service Level Agreement in respect of this service;
  - b. Accommodation Resource Centre (Mediation and homeless education service) £6,910;
  - c. Domestic Violence Call Centre monitoring budget: £400.00;
  - d. Domestic Violence (agent installation/removal budget): £1500.00.

### **1.0 Background**

- 1.1 The table at Appendix One sets out spend on grants to external bodies in 2008/09 and the proposals for 2009/10 for comparison.
- 1.3 The source of funding for the grants applications is as follows:
  - The Department for Communities and Local Government has confirmed, again, that this Council will receive £46,000 extra Homelessness Grant for 2009/10. The year 2010/11 grant is unknown and will be subject to Government review.
  - For the Citizens Advice Bureau debt service, the element of the funding is commensurate with the number of Council tenants referred to the service. The 2009/10 contribution follows the same proportionality set in 2008/09, excluding the large increase in funding recommended in this report (see below).
  - £17, 0791.15 from existing homelessness budgets. Savings on existing homelessness budgets will enable this spend.
- 1.4 Of the £46,000 annual Homelessness Grant, £26,000 is applied to direct Council employee costs in the Housing Options Team. This Council has

always sought to use the remainder of grant to build and sustain capacity in the voluntary sector to prevent homelessness. This means £20,000 of this grant is available in 2009/10 for grants to external bodies.

- 1.5 Approval of all the grants and budgets in Appendix One may be approved under delegated powers by Housing Services Manager (March 2003 Housing Board delegation) in consultation with Housing Board Chairman and Group Spokespersons. This is provided that the grant application was not to be substantially changed. Clearly, the sums contained within this report are substantially increased and therefore this report is being referred to Housing Board for decision.

## **2.0 Report**

### **2.1 Citizens Advice Bureau**

This Council provides core funding for the Gosport Citizens Advice Bureau. The funding recommended in this report is additional funding ring-fenced to the bureau's debt service to enable the Council's Housing Services referrals.

- 2.2 The Government has made available additional funding for Citizens Advice Bureaux and the Gosport Citizens Advice Bureau is awaiting the outcome of their bid for extra funding. However, the Government additional funding is subject to strictly defined usage, which in outline; reserve the extra funds to service expansion such as increased opening times. We are advised that this funding could not be used to achieve this Council's needs.
- 2.3 Members will be aware of increased pressure on the Gosport Citizens Advice debt service (see 2008/09 Grants Report, June 2008). The previous request for additional funding could not be accommodated. However, it is acknowledged that the current equity market difficulties have a high risk of escalating. Mortgage repossession is a devastating experience for customers and the potential volume of repossessions also presents a medium risk to this Council's homelessness strategy and in turn General Fund expenditure.
- 2.4 This Council volunteered to join the Governments Fast Track authorities for the national mortgage rescue scheme. Whilst mortgage arrears customers were a very low proportion of all customers seeking housing advice and assistance in 2007 (to this Council), there has been a steady increase from June 2008 onwards. In December 2008, 7 customers were referred to the Citizen Advice Bureau debt service due to mortgage arrears/possession action.
- 2.5 The Government's Mortgage Rescue Scheme involves two key elements that are relevant to this report:
  - a. The Council's role is to act as the gateway to the scheme and co-ordinator of agencies (the Council's Housing Options Service, debt advice via a qualified money adviser and housing association zone

agent, who provide the finance for individual cases suitable for mortgage rescue);

- b. All mortgage renegotiation and customer debt interventions must be exhausted before mortgage rescue itself is an option. It is important to recognise that the large majority of cases will be addressed through mortgage renegotiation.

2.6 Whilst customers referred to the Citizens Advice Bureau debt service are able to receive some initial advice via their drop-in service, they can wait for up to four weeks for an appointment with a specialist Money Advice Caseworker. This delay has a detrimental impact on both the customer and any solutions that may be achieved. Although there are national telephone debt services available, their capacity and ability to intervene are unknown. The benefits of a local debt service are recommended to be prioritised despite the additional costs to the Council.

2.7 The grant bid for 2009/10 would enable the one qualified debt adviser to work full-time on debt work and additionally supervise all debt work undertaken by volunteers. This combination of additional resource is considered necessary to achieve the growth in capacity to address current and foreseeable demands. The bid includes an assumed inflationary rise of 2.5%. There is neither the capacity nor the expertise in debt advice within the Housing Options team to enable this Council to deliver this service in-house. Given the significant increase in grant proposed it is recommended that a service level agreement underpin the new service.

## **2.8 Accommodation Resource Centre, Mediation and Homelessness Education Services**

The services provided for this funding are set out in the Grants Report to June 2008 Housing Board. Members will be interested to note that the model of webcam counselling and referral on to Relate counsellors for face to face sessions has been adopted by schools in Gosport.

2.9 The implementation of the service was delayed in 2008/09 whilst technical problems were resolved with the webcam link. As a result, some of the 2008/09 funding needed to deliver the family mediation service has been carried over to 2009/10 resulting in a reduction in grant need of £1,630.

2.10 The delay in implementation of the mediation services does mean that usage for 2008/09 was low. However, the service is developing momentum with two families undergoing mediation between November and January (target of 12 per year or 1 per month equivalent). A further year of funding of this element of the service is recommended to enable it to properly establish itself before a full assessment is made of its effectiveness in next years grant approvals.

2.11 The majority of funding for the Accommodation Resource Centre is for access to core services for which this Council is satisfied present value for money. Children's Services have reviewed their annual grant to the

Accommodation Resource Centre and it is expected to continue. Children's Services involved this Council throughout that review and it is important to note the pipeline bids (paragraph 2.13 below). If all bids and recommendations are accepted they will represent a concerted strategy by this Council and Children's Services and Hampshire Supporting People to strengthen the Accommodation Resource Centre in its central role of assessment and service provider for young people.

## 2.12 Domestic Violence Alarms

This is an example of cross district work with Fareham Borough Council. Both districts are providing the same service as outlined in the September 2007 Housing Board report. The costs for this scheme are relatively small in comparison to the number of preventions of homelessness that the scheme achieves. The total budget provision for this service is slightly reduced from 2008/09. It is recommended that the current arrangements continue.

## 2.13 Other Grant Bids and Outcomes

Members will be interested to know that the previously approved grant of £20,000 for Supported Lodgings (Grants Report September 2007) has levered in additional funding of nearly £220,000 over three years from Hampshire Supporting People for the Gosport scheme. This will provide 9 placements at any time for young homeless customers. The Accommodation Resource Centre won the tender.

A further 4 bids have been put into Hampshire Supporting People by our partner agencies in conjunction with this Council and Hampshire Children's Services. All of the bids address identified gaps in housing options services in the district and are to further the prevention of the homelessness agenda. An update of the existing Homelessness Strategy will be reported to a future Housing Board in 2009/10.

These 4 bids are yet to be determined and updates on their success can be relayed to Members through their information bulletin. In outline the bids are (in rank order of priority):

- a. **Family intervention:** Through the Roberts Centre to provide support for families with very complex needs. £60,000 over two years to work with 3 families at any one time;
- b. **Supported Lodgings for pregnant teenagers:** Through Accommodation Resource Centre. £47,000 over two years to provide six placements at all times;
- c. **Emergency/respice supported lodgings:** Through Accommodation resource Centre. £47,000 over two years to provide six placements at any time across Gosport and Fareham at a quota of 60% for Gosport.
- d. **Life Skills Scheme:** Through the Accommodation Resource Centre. £60,000 over two years to deliver life skills training for young people to enable move-on to self contained accommodation upon successful completion of course.

### **3.0 Risk Assessment**

- 3.1 The grants set out in this report achieve good value for money in terms of the prevention of homelessness agenda. In terms of service delivery, it is important that the Council is not the only source of homeless prevention in the district.
- 3.2 The risk of these grants not delivering the services is considered low. The track record of the agencies concerned is well established and they have demonstrated their capacity to deliver these services. In addition, in the current financial climate it is a reasonable expectation that the demand for these services will be present.

### **4.0 Conclusion**

- 4.1 In addition to this Council's homeless prevention work (in the top quartile nationally) it is clear that significant numbers of people have their homelessness prevented by the voluntary sector. Continued funding of these external voluntary sector agencies is considered strategically important to ensure the best network across the district to prevent homelessness.

<b>Financial Services comments:</b>	The recommended grants can be financed in the current year from existing budgetary provision.
<b>Legal Services comments:</b>	The Council has the power under the Housing Acts to give assistance by way of grants to voluntary organisations concerned with homelessness or matters related to it.
<b>Service Improvement Plan implications:</b>	None
<b>Corporate Plan:</b>	None
<b>Risk Assessment:</b>	See paragraph 3.1 and 3.2
<b>Background papers:</b>	Grants to External Bodies: Housing Board September 2007 and June 2008
<b>Appendices/Enclosures:</b>	Appendix One
<b>Report author/ Lead Officer:</b>	Steve Newton

## Appendix One

<b>Agency</b>	<b>2008-09 Grant</b>	<b>2009-10 Proposed Grant</b>
Citizen Advice Bureau – Debt service	£12,298.37: £3,000 HRA based upon a 26.5% customer base of this Councils tenants, remaining £9,298.37 funded by homelessness grant	£31,269.15: Calculated as for 2008-09 with an additional £1,630 from homelessness grant and £17,079.15 from existing homelessness budgets
Accommodation Resource Centre – Youth mediation/education	£8,540.00	£6,910.00
Domestic violence alarms response centre	£461.00	£400.00
Domestic violence alarms- installation agent (F&G Family Aid)	£1700.00	£1500.00
<b>TOTAL</b>	<b>£23,000</b>	<b>£40,079.15</b>
<b>Total from HRA</b>	<b>£3,000</b>	<b>£3,000</b>
<b>Total from existing homelessness budgets</b>	<b>£0.00</b>	<b>£17,079.15</b>
<b>Total from homelessness grant</b>	<b>£20,000</b>	<b>£20,000</b>

## AGENDA ITEM NO. 8

<b>Board/Committee:</b>	Housing Board
<b>Date of Meeting:</b>	4 <sup>th</sup> March 2009
<b>Title:</b>	Housing Repairs Programme 2009 -10
<b>Author:</b>	Housing Services Manager/CH
<b>Status:</b>	For Decision

### **Purpose**

The report sets out the proposed 2009 -10 Housing Repairs Programme and seeks the Board's approval for that programme.

### **Recommendation**

- a. That the Board approve the proposed 2009 -10 Housing Repairs Programme.
- b. The Board approves Officers to make a bid for advance funding via Major Repairs Allowance as per 2.5 and 2.6 below.
- c. That Officers follow the principles [approved at the Housing Board meeting of March 2005] as detailed below:
  - i. That Officers be required to seek Board approval to vary the Housing Repairs Programme where work within an identified element of the approved Housing Repairs Programme cannot take place;
  - ii. That where urgent works are identified after (approval of the Housing Repairs Programme) for which there is no identified provision, Officers in consultation with the Chair of the Housing Board be permitted to vary the programme for works up to £60,000;
  - iii. That where urgent works are identified (after approval of the Housing Repairs Programme) for which there is no identified provision, Officers in consultation with the Chair and Group Spokespersons be permitted to vary the programme for works between £60,000 and £100,000;
  - iv. That Officers be required to seek Board approval to vary the approved Housing Repairs Programme where urgent works are identified (after approval of the programme) for which there is no identified provision and the value of these works exceeds £100,000;
  - v. That Officers be required to seek Board approval where work within an identified element of the approved Housing Repairs Programme is going to under or over-spend by more than £100,000;
  - vi. That Members be informed of significant variations to the Programme as outlined in (i) to (vi) above, which are relevant to their Ward.

## 1.0 Background

- 1.1 This is an annual report to Housing Board on the proposed budget allocations for 2009 -10 on day-to-day and planned repairs and maintenance works.
- 1.2 The key priority for the investment programme remains the meeting of the Decent Homes Standard by 2010.
- 1.3 The delivery of the 2007 - 08 programme effectively completed the major programmes for the installation of new kitchens, central heating systems and double glazing elements under the Decent Homes programme. An element remains in the budgets for properties subsequently being picked up in sweep up programmes or the voids process.

## 2.0 Report

- 2.1 As has previously been notified to the Board (*Council Dwelling Rents 2009/2010* [Feb 2009]) the draft Housing Subsidy Settlement for this Council is again disappointing. The impact on the allocation of repair and maintenance funding for 2009 - 10 is as follows:

	2007 - 08	2008 - 09	2009 -10	%+/- 07-08 to 09-10
Capital Expenditure:	£4,366,000	£3,676,000	£2,300,000	-47.32%
Revenue Expenditure:	£2,100,000	£1,900,000	£1,900,000	-9.50%
Total	<b>£6,466,000</b>	<b>£5,576,000</b>	<b>£4,200,000</b>	<b>-35.00%</b>

- 2.2 This is a reduction of £1,376,000 in capital expenditure and a freezing in revenue expenditure between 2008 - 09 and 2009 - 10. This represents a 37.4% reduction in capital expenditure (down from the £3,676,000 received in 2008 - 09) and 47.3% reduction from the allocation received in 2007 - 08.
- 2.3 This does **not** take account of the impact in prices of an average 5.0% increase in RPI over the same period.
- 2.4 This has clearly impacted on the Housing Repairs Programme for 2009 - 10 (see Appendix A). There have been a number of variations and these are highlighted below (2.8).
- 2.5 On 3<sup>rd</sup> February 2009, the Communities and Local Government (CLG) wrote to all Local Authority Chief Executives in a letter entitled "*Pre-Budget Report (PBR) - Bids for Brought Forward Resources from 2010 -11 for Decent Homes (including Major Repairs)*". It stated that as part of the broader fiscal stimulus package, the Pre-Budget Report announced the bringing forward of further housing investment (up to £175m) of the Major Repairs Allowance (MRA). The objective of the initiative is to enable Councils to undertake greater investment in their housing stock in 2009 - 10. Council's are requested to make bids for the funding. It is understood that the



funding will be “deducted” from the 2010 - 11 MRA.

- 2.6 It is proposed that a bid is made for funding in the region of £300,000 primarily on investment that will reduce response repair obligations in 2009 - 10 i.e. to bring forward (through this finance) the gas central heating installation programme will reduce the number of call-outs to repair older systems that would have gone wrong had they not been replaced.

## **Variations From The Budget Allocation For 2008 - 09**

### **2.7 *High Cost (Capital) And Standard Voids***

- 2.7.1 The fall in the total number of voids in 2007 - 08 (a fall of 60 over the previous year – down to 200) has continued in 2008 - 09 (180 projected) and is expected to do so in 2009 -10. This has enabled both the capital voids budget (for expensive voids) to be reduced (by £220,000) as well as the standard voids (by £90,000) the total voids budgets, combined, have been reduced by £310,000
- 2.7.2 It is not anticipated that the re-profiling of expenditure will affect the ability to meet the Decent Homes standard by 2010.

### **2.8 *Day-to-Day Repairs Service***

- 2.8.1 Year 4 of the Connaught Partnership is anticipated to bring additional budget savings in 2009 -10 but not over and above those accounting for building inflation during the year. The ‘stand still’ budget allocation for 2009 -10 is effectively a 5% reduction in real terms.

### **2.9 *Disabled Aids And Adaptations***

- 2.9.1 The disabled aids and adaptations budget was reduced by 23% in 2008 - 09. It has not proved possible to increase funding to previous levels but the allocation 2008 - 09 has been maintained. With quantifiable savings being identified in 2008 - 09 in various aspects of work, it should again mean that the allocation not will have an effect on waiting times for the vast majority of adaptations that take place (these being low priced work, for example grab rails). Current waiting times should be maintained for higher price work, primarily level access showers. This Council will not be breaching its statutory or contractual obligations.

### **2.10 *Transfer Incentive Scheme***

- 2.10.1 The January 2009 Housing Board agreed new measures facilitate tenants moving from larger to smaller accommodation. It is not believed at this stage that these proposals will have an immediate impact on budgets, so this budget has been retained at £10,000.

## **3.0 Asset Management**

- 3.1 The impact of the recommended programme for 2009 -10 is not the variations from the 2008 - 09 budget allocation. It is the impact on the delivery of the Asset

Management Strategy. The Asset Management Strategy detailed the priorities and investment required to maintain the stock to an acceptable standard and to comply with statutory and contractual obligations. It was not a “wish list” but a realistic assessment based on the latest stock condition information of the required investment in the stock.

3.2 In part, the Asset Management Strategy reflects the Housing Board’s commitment outlined in “*Delivering Decent Homes 2010 And Beyond*” (Housing Board November 2006). Outlined in that report was investment requirements over and above the limiting goals of the Decent Home Standard. The intention was to include the capital work detailed below in the 2008 - 09 programme but, with the exception of improvements to sheltered schemes, those ambitions had to be removed from the programme because of insufficient available funding. Those ambitions were:

- A 10-year bathroom modernisation programme at an estimated cost of £600,000 per year over ten years.
- Develop a programme to replace worn / tired roofs as yet a complete programme is uncosted but with an allocation of only £80,000 in 2009 -10.
- Develop a programme to replace flat roofs on blocks of flats with pitched roofs at an estimated cost of £120,000 per annum over 5 years
- Develop a programme to address structural deficiencies identified from the stock condition survey
- Improvements to Sheltered Housing schemes.

3.3 The Asset Management Strategy (approved by Housing Board in January 2009) provided the framework to deliver investment into the Council stock. It built on these objectives (in 3.2 above) and identified additional programmes or additional funding to programmes already included within 2009 – 10:

- Address electrical re-wiring work in 2009 - 10 (and beyond) that has arisen from the electrical testing undertaken in 2007 - 09. Originally estimated at £350,000 for 2009 - 10 but currently only £250,000 is budgeted for in 2009 - 10.
- An increase in investment from £250,000 (2008 - 09) to £500,000 to pre-empt heating system failures in 2009 - 10. Again provision has only been made for £250,000 in 2009 -10.
- This year there is funding for a limited investment (£80,000) in flat roof improvements but the remaining requirements in 3.2 above (bar the sheltered improvements) have had to be dropped from the investment programme for 2009 -10.
- A garage action plan was initially envisaged within the Asset Management strategy to be for 5 years, but the ability to allocate only £80,00 in 2009 -10 (and a similar allocations in future years) it is likely that the strategy will extend beyond 7 years. This rescheduling over 7 or more years will deliver just 66% of the investment believed to be required for the garage stock.
- Housing Health and Safety Rating System (HHSRS) audit will be completed by the end of 2008 - 09 and although the highest priority repairs resulting from the audit will be able to be carried out under Health and Safety budgets in 2009 -10, HHSRS obligations are not budgeted for in planned maintenance

programmes for communal areas.

- The sheltered improvements (under the Best Value review) remain within the budget allocation for 2009 -10 but funding has been reduced (by £70,000) and is now likely to be scheduled over an extra year. It was due, within the Asset Management Strategy to be completed by 2011 -12 but unless the capital shortfall can be made good in the next three years will need to be extended to 2012 - 13 and possibly beyond.
- Although there is no legal requirement to remove asbestos from residential property by a given date. The Asset Management Strategy has however pledged that all licensed asbestos will be removed from housing communal areas by 2015 and all licensed asbestos removed from the housing stock by 2020. An objective specifically supported by Members. At present the allocation of £50,000 for 2009 -10 addresses issues arising in void properties (and ad hoc removal in tenanted properties) but is insufficient to make any in-roads to meet these objectives.

3.4 Decent Homes 'Plus' is a standard that will replace Decent Homes after 2010. Although not, as yet, defined by Government there have been indications that it will relate to noise insulation, the 'external environment' and even higher improved thermal efficiency and accessibility standards. The stock has already had investment in thermal efficiency measures but the requirement for investment in noise insulation and the 'external environment' in particular raise considerable concern in relation to this Council's ability to fund those improvements which would be over and above those planned and accounted for within the Asset Management Strategy.

	Recommended under the Asset Management Strategy	Funding allocated in 2009 -10	Work type arising from
Bathroom modernisation programme	£600,000	£0	Decent Homes Plus
Replace worn / tired roofs	£160,000	£80,000	
Flat to pitch roof conversion	£120,000	£0	
Electrical re-wiring work	£350,000	£250,000	
Central Heating installations	£500,000	£250,000	Decent Homes
Garage action plan	£140,000	£80,000	Asset Man. Strategy
Sheltered improvements	£270,000	£200,000	BV Review
Asbestos removal	£100,000	£50,000	
	<b>£2,240,000</b>	<b>£910,000</b>	

#### **4.0 Section 17 Crime & Disorder Act 1998**

- 4.1 Included in the day-to-day repairs programme are specific works for security and target hardening. This expenditure will contribute towards the Councils' responsibility under Section 17 of the Crime and Disorder Act 1998 to do all that can reasonably be done to prevent crime and disorder in the area.

#### **5.0 Risk Assessment**

- 5.1 There is a long term increased risk associated with reduced investment in the stock. This includes, but is not limited to:
- Ever increasing decline in stock condition leading to risk of increased response repairs through delayed programmed repairs;
  - Risk to budgets if the unexpected i.e. storm damage should happen;
  - No contingency for any additional requirements brought in by Government for requirements to work on the stock i.e. Decent Homes Plus.
- 5.2 The overall risk which has previously been assessed as low, is now assessed as medium because of the reduced investment in the stock and reduced budgets which do not provide for contingencies.

#### **6.0 Conclusions**

- 6.1 There is a 37.4% reduction in the capital budget allocation for 2009 - 10 compared to the previous year. This reduction does not take into account increases in the retail price index (5.0%) over this period. Revenue budgets have remained at approximately the same level.
- 6.2 There has been a necessity to re-schedule the delivery of a number of initiatives and reassess individual budgets within the programme primarily in terms of capital expenditure.
- 6.3 The repairs programme continues towards meeting this Housing Boards objective of reaching the Decent Homes Standard by 2010 - 11, but investment in wider aspects of the stock is severely restricted.
- 6.4 The programme to work outside the strict scope of Decent Homes, has for the second year been severely curtailed as a result of the budget allocations for 2008 - 09 and 2009 -10 with little investment for the second year running to meet the ambitions Members held for the stock and the legitimate objectives contained within the Asset Management Strategy.

<b>Financial Services comments:</b>	Housing repairs expenditure covered by this report is included in the Council's budget for 2009 -10.
<b>Legal Services comments:</b>	The Council must ensure that it complies with both its statutory duties relating to the condition of properties and facilities, such as gas installations and their obligations under the Tenancy Agreement.
<b>Service Improvement Plan implications:</b>	The meeting of the Decent Homes Standard by 2010 is a Service Improvement Plan objective.
<b>Corporate Plan:</b>	The maintaining of the Council housing stock is a strategic priority for 'Prosperity' (PR2/01).
<b>Risk Assessment:</b>	The potential risk over individual budget over/under spends is medium, due to unforeseen circumstances: weather conditions, higher estimates, higher demand for services etc Rigorous controls in place reduce the risk and impact of those over/underspends. The overall risk rating for budget over/under spends is therefore assessed as medium
<b>Background papers:</b>	<ul style="list-style-type: none"> <li>• Housing Board Report (Nov 2002) "<i>Capital Programme Works Priorities 2003-06</i>"</li> <li>• Housing Board Report (March 2006) "<i>Housing Repairs Programme 2006/07</i>"</li> <li>• Housing Board Report (Nov 2006) "<i>Delivering Decent Homes 2010 And Beyond</i>"</li> <li>• Housing Board Report (Feb 2009) "<i>Council Dwelling Rents 2009/2010</i>"</li> <li>• Housing Board Report (Jan 2009) "<i>Asset Management Strategy</i>"</li> </ul>
<b>Appendices/Enclosures:</b>	Appendix A: Budget allocations 2009 -10 Appendix B: Programmes of work
<b>Report author/ Lead Officer:</b>	Charles Harman, Head of Operational Services

## **APPENDIX A**

<b>BUDGET HEADING</b>	<b>2009-10</b>	<b>Possible advanced MRA funding bid</b>
Day-to-day repairs Including; Infrastructure £35,000 Minor Fencing Works £8,000 O.A.P. Decorations £15,000 Security and Communal Safety £4,000 Communal areas £3,000	£1,145,000	
Repairs to void properties  incl. Decoration Allowances £20,000	£380,000	
Decent Homes works External Painting & associated repairs and Communal Areas Redecoration £270,000 Central Heating £250,000 External Wall Insulation £397,000 Kitchen Installs £100,000 Capital Voids £180,000	£1,197,000	Central heating £250,000
Barclay and Burney House health and safety	£8,000	
Barclay/ Burney House Day to Day and Voids	£45,000	
Barclay Upgrading Works	0	
Environmental Improvements Panel	£30,000	
Gas servicing	£315,000	
Lift service and repairs	£25,000	
Door entry systems	£43,000	
Health and safety management	£40,000	
Estate Warden team	£4,000	
Disabled aids	£130,000	
Electrical rewiring and testing	£250,000	
Asbestos removal	£50,000	
Energy efficiency	£10,000	
Tenant-led improvements (kitchen and fencing scheme)	£30,000	
Transfer Incentive Scheme	£10,000	
Professional fees	£5,000	
Sheltered scheme improvements	£200,000	£50,000
Sheltered schemes general health and safety	£23,000	
Structural repairs	£80,000	
Roof Renewals (incl. flat to pitch conversions)	£80,000	
Bulk waste Management	£20,000	
Garages	£80,000	
<b>TOTAL</b>	<b>£4,200,000</b>	

## **APPENDIX B**

### **Decent Homes Programmes**

Reactive provision to meet Decent Homes Standard. Specific properties are yet to be identified through void process and stock condition survey – the latter when access can be secured, £100.000.

[This figure is a reduction when compared to the Asset Profile in order to meet the budgetary constraints].

### **Central Heating programme**

£250,000 for properties which are identified in conjunction with Decent Homes Surveys and aged failures from Gas Servicing. With the budget being reduced (from £500,000) it is anticipated that advanced funding will “top up” this item in order for our programme to be continued.

### **Electrical Programme (Total Properties for Testing and possible Rewiring)**

10	Dayshes Close
23	Keyes Road
68	Old Road
3	Alma Street
11	Avenue Road
3	Lapthorn Close
16	Osborn Crescent
4	Queens Road
32	Tichborne Way
5	Conifer Grove
22	Green Crescent
11	Crossways, The
10	Mead, The
18	Brading Avenue
6	Copse Lane
15	Austerberry Way
4	Astra Walk
15	Bridgemary Road
2	Endeavour Close
15	Mabey Close
10	Harwood Road
3	Rowner Lane
15	Totland Road
4	Bridgemary Grove
29	Dolman Road
17	Hilton Road
9	Stoners Close
15	Prideaux Brune Avenue
16	Tamworth Court

**Rewiring as a result of failures from 2009 – 10 testing.**

This is subject to budget so may will be completed in batches to ensure no overspend on the budget.

**Over cladding - External Wall Insulation [to include associated works]**

**2009 – 10**

Northway: overcladding to non- traditional flats and houses including screen repairs and renewals to associated communal areas

Southway: overcladding to non- traditional flats and houses including screen repairs and renewals to associated communal areas

Skipper Way: overcladding to non- traditional flats and houses

Elmore Avenue:

5&7 Tichborne Way

Gilbert Close

**2010 - 11**

Hamble Road

Wilmott Lane



### **External Painting and Associated Repairs**

AGNEW HOUSE	38
ALEC ROSE HOUSE	17
BEHRENDT CLOSE	10
BEHRENDT CLOSE A	16
BEHRENDT HOUSE	14
CLAUDIA COURT	12
DUNKELD ROAD	1
DURHAM STREET	1
GILBERT CLOSE	6
GLOUCESTER HOUSE	34
GREGSON AVENUE	22
LAYTON ROAD	26
LEESLAND ROAD	5
MILL POND ROAD	4
NORMANDY GARDENS	15
OLD ROAD	68
PARKLANDS CLOSE	21
RUSSELL STREET	1
SALERNO DRIVE	1
SKIPPER WAY	30
ST ANNS CRESCENT	1
ST VINCENT ROAD	64
TEDDER ROAD	3
THE MEAD	10
VIAN CLOSE A(bung)	8
WARDERS COURT	27
WARNFORD CLOSE	14
WAVELL ROAD	5
WILMOTT CLOSE	74
WILMOTT LANE	22
WINDSOR ROAD	1
Number of Properties	571

### **Communal Area Redecoration**

ST JOHNS
FORTON RD
NORTHWAY AND SOUTHWAY
1 - 15 RAMILLIES HOUSE
1-15 RENOWN HOUSE
1-15 REVENGE HOUSE
1-15 RESOLUTION HOUSE

Total Communal Areas 7

## AGENDA ITEM NO. 9

<b>Board/Committee:</b>	Housing Board
<b>Date of Meeting:</b>	4th March 2009
<b>Title:</b>	Housing Renewal Policy 2009 -2010
<b>Author:</b>	Housing Services Manager
<b>Status:</b>	For Recommendation to Policy and Organisation Board

### **Purpose**

A formally adopted Housing Renewal Policy is required in order to implement changes to the home repair and adaptation system.

### **Recommendation**

- That the Board approves the new draft Housing Renewal Policy for 2009 - 2010
- That the Board recommends to the Policy and Organisation Board (Meeting on 11 March 2009) that the Housing Renewal Policy be formally adopted.

### **1 Background**

- 1.1 The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 replaced the existing grant regime with a more flexible system for providing assistance to applicants. All Local Housing Authorities were required to have arrangements in place, including a formal Housing Renewal Policy, by 18 July 2003. The Council put in place a Housing Renewal Policy in April 2003.
- 1.2 The Regulatory Reform Order 2002 also requires that the Authority review the Housing Renewal Policy at intervals of not more than twelve months. The Housing Renewal Policy was last approved by Members at the Housing Board Meeting on 5 March 2008 and subsequently endorsed by the Policy and Organisation Board Meeting later that month.
- 1.3 A draft Housing Renewal Policy 2009-2010 has been prepared and due to the length of this document (69 pages) the Chairman requested that an appendix be provided outlining the major changes in the Housing Renewal Policy 2009 -2010 over the previous (2008 -2009) Housing Renewal Policy (see Appendix A). A hard copy of the draft Policy is available in the Members Room. Also, if any Member requests a hard or soft copy, then one can be provided.

- 1.4 The draft Housing Renewal Policy for 2009 - 2010 proposes that in the forthcoming financial year assistance should remain essentially in line with the previous Policy. It is again primarily based on a broad package of grant-based assistance; and affordable loans may be obtained (for specific low income groups) through the independent South Coast Money Line. The Policy will be targeting specified low income groups for vital, small scale repairs; assisting in the conversion of empty shops, offices and commercial properties and or under-occupied properties into flats for rent for tenants in the private sector. This will be backed up by appropriate advice and, where necessary, enforcement action. The document largely mirrors the structure, rules and conditions of the grant programme under the preceding system.

## **2 Key Themes and Considerations within the Housing Renewal Policy 2009-10**

- 2.1 **The range and type of assistance to be made available** – the Housing Capital Programme, approved on 4th February 2009, will fully fund the grant proposals set out in the draft Policy (Section 8);
- 2.2 **Targeting of assistance** – the draft Policy suggests that this remains unchanged, i.e. targeting assistance to older and disabled people on low incomes living in poor condition properties, and promoting the conversion of empty shops, offices and commercial properties and under occupied homes into flats for rent;
- 2.3 **Applicant eligibility** – the proposal will continue to limit eligibility to owner-occupiers, landlords and private tenants;
- 2.4 **Grant limits** – proposed limits are set out in paragraph 10.18 of the draft Policy;
- 2.5 **Time limits** – the previous grant regime required that all grant approvals remained valid for a minimum of twelve months. This is sometimes unnecessary, especially for smaller schemes and makes programme management more unpredictable. The proposal in paragraph 10.23 is for the time limit on an approval to be set according to the nature of the work; approval deadlines can be extended if necessary, thereby retaining flexibility;
- 2.6 **Repayment conditions** – the draft Policy sets out a number of conditions that would require repayment of any discretionary grant, namely:

Issue	Proposal	Reference in Draft Policy
Disposal of the property within 5 years of grant payment	Grant repayable in full plus compound interest	10.31
Rented property not let or made available for letting for 5 years after payment	Grant repayable in full plus compound interest except – <ul style="list-style-type: none"> <li>• All Handyperson Scheme works (due to value), and</li> <li>• Any other case subject to approval by Housing Services Manager</li> </ul>	10.31 & 10.32
Failure to provide information on grant condition compliance within 21 days	Grant repayable in full plus interest	10.33
Successful insurance claim	Repay all grant paid in respect of such works, or the value of the insurance payment if lower; no interest	10.35

It is proposed that these conditions will remain in force for a period of five years (as at present, where applicable).

- 2.7 **Appeal arrangements** – Section 11 of the draft Policy sets out the arrangements for appeals against individual decisions on the level of assistance offered, namely that these should initially be assessed by the Housing Services Manager in consultation with the Housing Board Chairman.
- 2.8 **Key service standards** – The service standards approved for the home improvement grant service; proposals are set out in Appendix A of the draft Policy.
- 2.9 **Enforcement policy** – is set out in Section 12 is in accordance with the Council's approved enforcement policy and the provisions of the Enforcement Concordat.

### **3 New Developments**

- 3.1 In the 2007- 2008 financial year Gosport Borough Council, together with other members of the Southern Home Loans Partnership Scheme Consortium (Portsmouth, Eastleigh and Chichester) made a bid for funding from the Regional Housing Board. The bid was based on the further operation and promotion of the good work already undertaken by all the Consortium Members on the Southern Home Loans Partnership Scheme

project; and the promotion of the Decent Homes Standard in the private sector, mainly via energy efficiency measures. The bid was successful and resulted in funds being made available to Gosport Borough Council (hence resulting in real savings to the Council) to assist in the promotion and running costs of the Southern Home Loans Partnership Scheme and the promotion of the Decent Homes Standard/energy efficiency in the private sector.

- 3.2 One part of the successful bid to the Regional Housing Board was the partial support of the Homecheck Scheme currently operated by Environmental Health. As Members will be aware, the Homecheck Scheme provides a free home health and safety check for vulnerable households in the Borough who are aged over 60, the registered disabled and those with a child under 5 years of age. The valuable work the Homecheck Scheme undertakes, such as removing trip hazards, providing free smoke detectors and improved door and window security, helps to reduce the number of home accidents and makes people feel safer in their own homes. As part of the successful bid all the materials supplied under the Homecheck Scheme will be paid for by the Regional Housing Board. Furthermore, the officer who undertakes the home-checks has been trained in and has received the City & Guilds Certificate in Energy Awareness, so has undertaken to promote energy efficiency as part of his visit. This will involve promoting any of the free or heavily discounted insulation schemes currently available. In recognition of this valuable work it is proposed to assist the funding of the Homecheck Scheme with £5,000.
- 3.3 Under the provisions of the Crime and Disorder Act 1998, Section 17; it is the duty of all Local Authorities to consider the crime and disorder implications of their actions in the exercise of their various functions. With regards to this report, there are two items that could reasonably be deemed as aiding in the prevention of crime and disorder in the Borough. These two grant aided proposals are: -
- **Handyperson Scheme:** This provides elderly and registered disabled residents (not in employment nor in receipt of a pension) with the opportunity of using a reliable workman (employed by a non-profit making charity, In Touch) to undertake minor works of repair or maintenance at a reduced cost to themselves, as the service is subsidised by the local authority. The Handyperson may carry out works such as providing improved security locks, door chains etc. These works will, hopefully, lessen the chances of that home being targeted by intruders as well as reducing this fear for the occupant. See 8.5 in the Housing Renewal Policy 2009 -2010.
  - **Discretionary Conversion Grants:** These small grants often provide the impetus to private landlords to convert empty commercial properties (shops, offices etc) into self-contained units of accommodation for renting in the private sector. Frequently an empty shop or public house can attract unwarranted damage by vandals. The conversion of these properties into self-contained units removes

this criminal temptation, as well as providing much needed accommodation. See 8.3 in the Housing Renewal Policy 2009 - 2010.

#### **4 Progress Update on the Southern Home Loans Partnership Scheme [operated by South Coast Money Line (SCML)]**

- 4.1 In March 2004 the Housing Board approved the Council's participation in a Consortium of Local Authorities to set up a pilot regional resource to provide low cost home repair/maintenance loans to applicants seeking to repair or improve their homes up to the Decent Homes Standard. These would be loans made to homeowners whose financial circumstances would not allow them access to affordable finance from the mainstream ('High Street') financial institutions. The Scheme, named 'Southern Home Loans Partnership' made its first loans in 2006. In previous years the funding for this Scheme was obtained from savings made in the current Grants Budget\*, and so did not impact on the proposed allocation for the forthcoming year. However, due to the successful bid made to the Regional Housing Board, see 3.1 above, the funds for the Southern Home Loans Partnership Scheme will be met from this source.

\*Note: Some parts of the discretionary grant budget are essentially in place to act as a 'safety net' to quickly assist the most vulnerable low-income homeowners. This budget must be made available so that it may be used for these cases. The current and previous budget savings were able to be made because no residents contacting GBC fitted the criteria for GBC grants.

- 4.2 It is therefore requested that Housing Board Members should be aware that the allocation of funds, the 'membership fee' and any loans, for this project for 2009 -2010 is being met solely by the Regional Housing Board and not Gosport Borough Council. Members should also note:

- a) The 'membership fee', is the amount required from all Consortium Members, paid annually, to meet ongoing costs.
- b) That any loans offered during 2009 - 2010 to any Gosport resident will be found from monies made available by the successful Regional Housing Board bid, not from Gosport Borough Council. Furthermore, all monies repaid for this loan will be re-cycled by the Southern Home Loan Partnership to be used in future loans to Gosport residents. No monies in this fund may be used by residents in any other area except those residing in Gosport Borough itself.

- 4.3 There will be no impact on the 2009 - 2010 Grant Budget from loans made by the Southern Home Loans Partnership.

#### **5 Capital Spending Proposal 2009 - 10**

- 5.1 The approved capital programme elements of this Policy are as follows:

### **Mandatory Grants**

Mandatory Disabled Facilities Grants (DFG's)	<u>£325,000</u>
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### **Discretionary Grants**

Home Repair Assistance Grants (HRA's) [for emergency priority disabled aids & adaptations only]	<u>£ 15,000</u>
Regional Housing Board	<u>£ 60,000</u>

Total	<u>£400,000</u>
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Disabled Facilities Grants are mandatory. That is; all local Housing Authorities, including Gosport Borough Council, must provide this type of grant aid upon the receipt of a full and proper application from a person who is registered (or registerable) disabled. For a number of years the Council would claim subsidy from the Government of the South East (GOSE) of up to 60% of the value of Disabled Facilities Grants completed in the financial year: This process was changed by the Government on 1 July 2008. Now, the Government provides all Local Authorities with a fixed maximum amount. For Gosport Borough Council in the forthcoming year this amount is £240,000. The Borough Council is expected to meet all commitment on Disabled Facilities Grants up to and above that figure, as they are mandatory grants. It is proposed that the Borough Council's add £85,000 to the amount provided by the Government, which equates to a total proposed spend of £325,000 on Mandatory Disabled Facilities Grants. Unfortunately the legal process required to approve a Mandatory Disabled Facilities Grant is lengthy and cannot accommodate emergency situations. So, in addition to this figure it is proposed to allocate a small sum of £15,000 for "fast track" Discretionary Home Repair Assistance Grants (HRA's) for use in priority situations for emergency disabled aids and adaptations. By doing so the Council would be recognising that there are several instances each year when a small amount of grant aid, delivered quickly, would do a disproportionate amount of good. For instance, to quickly provide a stairlift so that a patient may leave hospital, and so prevent bed-blocking. The total cost to the Borough Council of its contributions to mandatory and discretionary grants is £160,000. The Borough Council received further funding from another Regional Housing Board bid in 2007-08. So, of this total the Borough Council will meet £100,000 (which covers the Mandatory and Discretionary aids and adaptations for registered and registerable disabled residents in the Borough) cover and the Regional Housing Board £60,000 (which covers assistance to help private sector properties attain the Decent Homes Standard).

#### **5.2 Private Sector House Condition Survey:**

The Government advice recommends that surveys be repeated at intervals of not more than five years. The Government Office for the South East has indicated that failure to obtain reliable data will adversely affect the

assessment of the Council's overall housing performance. Independent surveyors last undertook this work on behalf of the Borough Council in 2004-05 and the results have assisted in formulating this Housing Renewal Policy. As the next survey is due Gosport has joined a consortium of ten Hampshire local authorities with the intention of undertaking the next Private Sector House Condition Survey in 2009-10. By forming a Consortium a price discount is anticipated from the winning tender.

**5.3 The spending proposals for 2009-10 are therefore as follows:–**

Mandatory Disabled Facilities Grants (DFG's)	£325,000
Home Repair Assistance Grants (HRA's) [for emergency priority disabled aids & adaptations only]	£ 15,000
Conversion Grants	£ 45,000
Handyperson Service	£ 10,000
Homecheck Scheme	£ 5,000
Total	£400,000
GOSE contribution to Disabled Facilities Grants	£240,000
Regional Housing Board	£ 60,000
Net Cost to Gosport Borough Council	£100,000

Gosport Private Sector House Condition Survey 2009-10	£60,000
Net Cost to Gosport Borough Council	£60,000

Details of the proposed grants can be found in Section 8 of the draft Policy.

## **6 Conclusion**

6.1 The 2009 -2010 Housing Renewal Policy will enable the Council to perform the key functions in this area.

6.2 Approving the additions to the Housing Renewal Policy will help the Council to meet Government objectives. The Government has made it clear that it acknowledges the importance of private sector housing and its effect on the health of the nation, and who should bear responsibility for repairs in that sector:

“Poor quality housing can have an impact on the health of the occupants and on the quality of life in an area. The Government's view is that it is primarily



the responsibility of homeowners to maintain their own property.”  
[*Introduction, paragraph 2; Housing Renewal Guidance (Consultative Document), June 2002*]

The Government has also stressed that Local Authorities have a key role in steering homeowners on the road to self-reliance and away from a grant dependency culture. However, the Government has also stressed that it would consider that an Authority was failing in its duty as a housing enabler and in its responsibility to consider the condition of the local private sector stock if it did not make some provision for assistance:

“A blanket ‘no assistance policy’, whether for grants, loans or both, would therefore be unacceptable.” [paragraph 4.3, *Housing Renewal Guidance (Consultative Document), June 2002*]

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<b>Financial Services comments:</b>	The net cost to the Council included in the capital budget for 2009 - 2010 is £100,000 - £85,000 for Mandatory Disabled Facilities Grants and £15,000 for Discretionary Home Repair Assistance Grants [for emergency priority disabled aids and adaptations]. All other discretionary grant items have been met via £60,000 funding from the Regional Housing Board.
<b>Legal Services comments:</b>	None for the purposes of this report.
<b>Service Improvement Plan implications:</b>	The implementation and monitoring of the Housing Renewal Policy will be part of the Housing Service Improvement Plan for 2009 - 2010
<b>Corporate Plan:</b>	This report links to the Corporate Plan Strategic Priorities of Places and People
<b>Risk Assessment:</b>	<p>Risk assessments have been carried out for separate elements of the Housing Renewal Policy:</p> <p>Southern Home Loans Partnership – Medium likelihood/Medium Severity. Risk Status: Medium</p>
<b>Background papers:</b>	<p>The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (S.I. 1860).</p> <p>Housing Renewal Guidance (Consultative Document) June 2002 (ODPM)</p> <p>Gosport Private Sector House Condition Survey 2004 - 2005</p> <p>Housing Renewal Policy 2008 - 2009 (in the Members Room)</p>
<b>Appendices/Enclosures:</b>	
Appendix 'A'	Major changes in the Housing Renewal Policy 2009 -2010 over the previous (2008 - 2009) Housing Renewal Policy
<b>Report author/ Lead Officer:</b>	Trevor Charlesworth Principal EHO / Oona Hickson Head of Strategy & Enabling

## **APPENDIX A**

### **Major changes in the Housing Renewal Policy 2009-10**

#### **Introduction:**

This Appendix is a précis of the major changes over the previous (2008-09) Housing Renewal Policy. These are usually changes that have been necessitated by the publication of new research.

#### **Main Changes:**

2.10 Proposed Bus Rapid Transport System.

4.14 Problem of using socio-economic targets for the Decent Homes Standard.

4.16 Winter mortality rates.

5.3 Government changes to how Disabled Facilities Grant money is allocated.

5.4 Amount of money allocated for Grant purposes.

6.7.2 & 8.4 Discretionary Home Repairs Assistance Grant to allocate resources to registered/registerable disabled for emergency aids/adaptations only.

6.7.4 Homecheck Scheme and omission of Low Cost Energy Efficiency Grants.

8.6 Homecheck Scheme



# **Private Sector Housing Renewal Policy 2009/10**

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## 1.0 **INTRODUCTION**

- 1.1 The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 came into force on 18 July 2002. This repealed most of the prescriptive legislation governing the previous housing assistance regime and replaced it with new wide-ranging powers whereby local housing authorities (LA's) could provide assistance for housing renewal significantly based on local needs and achievement of local and regional strategic objectives.
- 1.2 The increased flexibility permits the possibility of new and innovative approaches to housing renewal based upon locally perceived needs, though this also means it will require regular review together with the overall Housing Strategy.
- 1.3 The first Private Sector Housing Renewal Policy was approved by Members and became effective from 1<sup>st</sup> April 2003. Following Government direction, in Article 3 of the 2002 Order, public notice of the adoption of this first Policy was given in two newspapers and full copies were made available for residents to inspect in the main library, Citizens Advice Bureau and at the Town Hall. A copy was also made available on the website. This Gosport Borough Council Private Sector Housing Renewal Policy is effective from 1 April 2009 and replaces the one made 12 months earlier. It is being adopted for the purposes of Article 3 of the 2002 Order. The Policy will be posted on the Gosport Borough Council website (customers will be able to make comments on the Policy on line), and a hard copy (paper) summary will be available (free of charge) upon request. The Policy is subject to regular review, usually at annual intervals, but also when significant changes occur, such as to the type of assistance available.
- 1.4 This Policy document limits itself to consideration of works of repair, improvement or adaptation, etc., rather than enabling housing provision in the first place which will be considered through the Housing Strategy.

1.5 Relevant Extracts from Housing Renewal Guidance (Consultative Document), June 2002

“Poor quality housing can have an impact on the health of the occupants and on the quality of life in an area. The Government’s view is that it is primarily the responsibility of homeowners to maintain their own property. But it recognizes that some owners, particularly the elderly and most vulnerable, do not have the necessary resources to repair or improve their homes. Local authorities therefore have an important role to play in providing assistance in these cases.” [*Introduction, paragraph 2*]

“The Government accepts that loans will not be suitable for all those in need of assistance and the Order is not intended to bring about the wholesale replacement of grants with loans. The Government would also consider that an authority was failing in its duty as a housing enabler and in its responsibility to consider the condition of the local private sector stock if it did not make some provision for assistance. ***A blanket ‘no assistance policy’, whether for grants, loans or both, would therefore be unacceptable.***” [*Paragraph 4.3*]

1.6 It is in this context that the Borough Council has produced this Private Sector Housing Renewal Policy

2.0 **THE LOCAL CONTEXT**

2.1 The Borough of Gosport is part of the internationally famous maritime recreational area of the Solent with its prime location on the South Coast of England.

2.2 The 2001 Census returned a population of 76,415. Predictions made by Hampshire County Council (based on assumptions regarding mortality, fertility and migration etc) reveal a 2006 population of 79,480. This population set on a peninsula of only 2,750 hectares (27.5 square

kilometres), it is one of the most densely populated urban areas in the South of England.

- 2.3 Despite its crowded nature, the Borough boasts over 27 kilometres of beaches, inlets and marinas around Portsmouth Harbour and the Solent. The Alver Valley, which extends to 243 hectares, provides a green gap between Gosport town and Lee-on-the-Solent, providing the community with an invaluable rural recreational resource. The inlets and coastal waters are of national and international nature conservation significance and reach far into the urban fabric, whilst the Alver Valley has elements of ancient woodlands and rare reed beds along the River Alver.
- 2.4 The built heritage of the Borough is both rich and unique, primarily a product of the Borough's long association with the Royal Navy and the defence of Portsmouth Harbour. Many of the waterfront naval and military establishments are of national historic importance.
- 2.5 The rural origins of Rowner Village, the Georgian splendour of Anglesey and the medieval street patterns of Alverstoke Village are still in evidence. The historic gardens, memorials and ancient open spaces, footpaths and street patterns are reflected in the Borough's 14 Conservation Areas.
- 2.6 The Borough is justifiably proud of the quality of its physical and historic landscape – a quality that few, if any, other military towns can equal. But the Borough is also proud of its present, and recent achievements include the construction of the 5 kilometres long Millennium Promenade which has opened up coastal areas closed to public access for hundreds of years. Along with this have come spectacular waterfront housing developments, the restoration of prominent historic buildings and the opportunity to create further improvements and to provide community facilities.
- 2.7 Running hand in hand with these have been the construction of modern marinas and new industrial estates.



- 2.8        Aside from the history, the new developments and the plans for the future the Borough have their share of challenges. Land use and employment have been dominated by the MOD (Ministry of Defence), but as its influence declines, it brings both concerns and new opportunities.
- 2.9        The review of the MOD in Gosport is continuing to release new land for regeneration and development, but the legacy of the defence industry leaves problems in its wake.
- 2.10       It has been estimated that at one stage over two thirds of the local economy was dependent on the MOD, but as demands have declined, many local people have been forced to seek work outside the Borough. With only one single carriageway access road (A32), no train line, and only a pedestrian ferry access to Portsmouth, daily commuting from Gosport brings major congestion problems; though plans for a Bus Rapid Transport System are currently being explored. It has been estimated that over 56% of those in employment work outside the Borough.
- 2.11       There are isolated pockets of social deprivation and low educational achievement, as there are with any local authority. One of the most significant statistics relating to the Borough is the number of 'retired' households. Research by the Government of the South East estimates that Gosport will witness the second greatest growth in the number of 'retired' households in the South-East England/Thames Valley area. It is estimated that the number of retired people will increase by 49.3% by 2026. In some areas of the Borough there are a significant number of single parent families, and state benefits support many people, 22% of households are classed as 'vulnerable'; that is, in receipt of at least one of the principal means tested or disability related benefits. See Appendix 2 for a detailed definition. There is an inextricable link between ageing and disability and 38.7% of those with a disability are over the age of 60.
- 2.12       To meet these challenges and to give Gosport a more sustainable future, more jobs, more community facilities and transport improvements are

needed to serve the peninsula, whilst more resources must become available to help those most in need.

2.13 The Borough must continue to protect and enhance its built and natural environment. At the same time there is a responsibility to maximise the benefits of its development potential, provide modern facilities and increase opportunities for the whole community.

2.14 A survey of the condition of private sector housing using a sample of randomly selected stratified properties was last undertaken in 2004, and the Report produced in early 2005. It is hoped that a new Private Sector House Condition Survey will be undertaken in 2009-10 in conjunction with nine other Hampshire local authorities. The results will help to focus and prioritise private sector housing activity. Some of the key findings, extended for the total private sector stock are summarised as follows:

**Table : Key facts from Private Sector Stock Condition Survey 2004-05**

Population of the Borough/District (2001 Census)	76,415
Total number of houses private sector dwellings, including registered social landlord stock but excluding MOD	30,828
Total number of owner occupied dwellings (2004 HIP return)	28,489
Rate of unfitness	1.5% (462 dwellings)
Cost of repairing unfit houses	£1.75 m
Number of homes not achieving the Decent Homes Standard	2,838 (9%)
Number of vulnerable households	6,936 (22%)
Number of vulnerable households in Decent Homes	2,299 (67%)
Percentage of households occupied by: 50 – 65 yr olds Retired persons	28% 51%
Percentage of unfitness in the private rented sector (includes Registered Social Landlord dwellings but not GBC or MOD)	2.55%
Average SAP rating	56%
Percentage of dwellings with inadequate loft insulation	50%
Percentage of private sector vacant dwellings	1%

- 2.15 More recent regional research has been undertaken by CURS (Centre for Urban and Regional Studies) based at the University of Birmingham. CURS was commissioned by the Regional Housing Board of the South-east region in December 2005 to undertake a study into the location, nature and extent of poor housing conditions in the private sector in order to inform decisions on resource allocations in the future. The report was published in May 2006. One of the key elements of the Report revealed that in the south east region as a whole, 75% of properties that failed the Decent Homes Standard were on thermal comfort considerations. 89% of dwellings failing on the grounds of thermal comfort did so for reasons of poor insulation. 61% of dwellings failed the Decent Homes Standard on thermal comfort alone.

### **3.0 POLICY IMPLEMENTATION PLAN**

- 3.1 The Borough's first Private Sector Housing Renewal Policy became operational on 12 March 2003, following approval by the Policy and Organisation Board (endorsing the Approval of the Housing Board Meeting on 5 March 2008) Meeting on that date. It is subject, as a minimum, to annual review through the overall Housing Strategy processes; whilst regular review of the Council Corporate Plan and Best Value Performance Plan will also influence possible future developments. The current Private Sector Housing Renewal Policy was approved by the Housing Board meeting on 5 March 2008, and affirmed by the Policy & Organisation Board Meeting on 12 March 2008.
- 3.2 Performance within this Policy will be reported in line with corporate reporting of national and local Performance Indicators to Council Management Team and the Housing Board.
- 3.3 This will remain in force for a maximum of one year prior to major review. Intermediate amendment should only be necessary in case of significant change to policy items. Minor changes will be made by the Housing

Services Manager in consultation with the Housing Board Chairman where such changes make no significant difference to service provision, for example there is no change to grant assistance offered but there is a name change, etc. Where amendments produce significant changes to service provision those amendments will require the approval of the Housing Board and Policy and Organisation Board before the revised policy can take effect.

- 3.4 The Private Sector Housing Renewal Policy will be amended to reflect the changing needs of the local community and/or homes. Such information will be conveyed to the Council by various means including stock condition and housing needs surveys.
- 3.5 There may be 'external' factors which prompt major review earlier than anticipated, such as:
- Changes to capital spending plans.
  - Acute changes to local circumstances.
  - National policy/legislative changes.
  - Local strategic partnership influences.
- 3.6 In implementing its own Policy, the Council will make reference to all relevant national legislation and guidance currently in place or introduced during the life of this document. The guidance issued for Housing Renewal will be of particular relevance especially where it deals with Fitness Enforcement/Decent Home Standard, Neighbourhood Renewal Assessment and, such as in relation to Mandatory Disabled Facilities Grants, matters for which grant aid must be given.
- 3.7 The Housing Act 2004 changed the methodology for assessing housing when it abolished the Fitness Standard and replaced it with the Housing Health and Safety Rating System (HHSRS) See Appendix 3. With regards to the Decent Home Standard (DHS), the definition of what is a decent home has been updated to reflect this fact (see Appendix 4 for a detailed definition). A national licensing scheme for Houses in Multiple Occupation

(that are three storeys or more and occupied by five or more separate households) was introduced at the same time. Other key national policies, including the application of the Decent Homes Standard for the private rented sector have also now taken effect. Such legislative changes affect the underlying processes, but do not in themselves create significant change in the Policy.

#### **4.0 MEETING KEY STRATEGIC AND SERVICE-RELATED AIMS AND OBJECTIVES**

4.1 The Council has a strategic role and responsibility to promote the economic, social and environmental well-being of the Borough and implement the Government's initiatives to modernise local government for the benefit of the local community.

4.2 Gosport Borough Council's Mission Statement is: -  
*To work with the community to improve everyone's quality of life, establishing a sustainable future for the Borough.*

4.3 The Council has identified a number of challenges that face the Borough in the next few years and in response to these and in order to achieve its mission, the Council will need to:

- Continue to regenerate the Borough, facilitate a robust local economy and tackle social exclusion and deprivation;
- Respond to the increasing pressures on the local environment and the need to improve access to the Gosport peninsula;
- Utilise the Waterfront and ex-MOD land for the benefit of the local community;
- Deliver best value, quality services which meet the needs of the community;
- Make efficient use of limited resources and identify and develop new sources of income.

4.4 **Service Delivery Values:** to help achieve its mission, the Council provides a wide range of services -

- Statutory services (which have to be delivered by law);
- Discretionary services (which have been established over a period of time in response to customer needs); and
- Support services that help the Council operate.

4.5 Provision of all of these services is underpinned by certain values:

- Customer care – seeking to provide the quality and level of customer care that customers expect;
- Consultation – listening to the community with the aim of improving services and meeting community needs;
- Community Leadership – providing a focus for community leadership;
- Partnership – working with other service providers and the community to share expertise, increase co-ordination, and access funding to achieve improved service delivery;
- Sustainability – ensuring a better quality of life for everyone now and for future generations;
- Best Value – ensuring the provision of efficient, effective, quality services;
- Equal Opportunities – ensuring fair and equal treatment for all and recognizing the value of diversity;
- Democratic arrangements – ensuring openness, integrity and accountability in the Council's operations;
- Investing in staff – using best employment practices to recruit, retain and develop staff;
- Financial management – ensuring financial accountability, effective use of assets and the maximisation of income streams;
- Risk management – identifying, evaluating and managing risk to secure the Council's assets and to assist in continued corporate well-being.

- 4.6 Strategic Priorities: although it is important to deliver all of the Council's services to a high standard, it is also necessary to identify which areas of delivery or focus have a particularly high priority. These are the Council's Strategic Priorities that are supported by a mixture of short, medium and long-term projects or actions that will assist with their delivery. These priorities are reviewed and refreshed annually:
- 'Safer communities' – to improve community safety and reduce crime (and the fear of crime) in the Borough. The Council will be a proactive member of the Gosport Community Safety Partnership. It will also take steps where possible to ensure that its service delivery positively contributes towards this aim, for example through the provision of youth shelters and Gosport High Street improvements;
  - 'Clean, green environment' – to increase the cleanliness standards and levels of waste recycling and to reduce pollution. The Council will keep the Borough clean by promoting higher environmental standards, encouraging more sustainable activity, improving cleansing and introducing new recycling schemes;
  - 'Active and healthy lifestyle' – to provide leisure facilities to enable the community to stay fit and healthy. The Council will improve sports facilities, redevelop Holbrook in the medium term, develop the Alver Valley and protect and enhance other parks and open spaces;
  - 'Neighbourhood renewal' – to regenerate neighbourhoods and ensure that good quality housing is available. The Council will work towards the Rowner Village Development Plan and future regeneration of areas such as Camden and Leesland as part of its long-term priorities. The Council will also ensure that its own housing stock is maintained;
  - 'Council assets' – to maximise the potential of the Council's assets in a balanced way. The Council will make best use of development areas

such as Priddy's Hard and the Waterfront Bus Station as part of its longer-term priorities.

- 4.7 Community Strategy: Gosport Borough Council is a member of the Gosport Partnership. This unique partnership of local organisations, businesses, agencies and community groups has been formed to work towards improving the quality of life in Gosport. To support this aim, the partnership has developed a Community Strategy, and all Members have agreed to work towards delivering the priorities identified by the community that are detailed therein.
- 4.8 The Community Strategy is focused around eight community priorities: Health and Well Being; Community Safety; Transport; Economy and Employment; Education and Training; Environment; Housing; and Leisure, Recreation, Culture and Tourism. The goals associated with each of these community priorities align closely to the Borough Council's Strategic Priorities.
- 4.9 The Council will work in partnership to support each community priority. It should be recognised that the key service providers for Health, Transport and Education are the Health Authority and Hampshire County Council respectively.
- 4.10 There are a number of other supporting Plans that have private sector housing links, e.g.
- Corporate Plan
  - Service Improvement Plan



4.11 Relevant extracts are set out below:

Plan/Plan	Aim/Objective Of Relevance To This Policy
<p><b>Community Strategy Partnership Document</b> <b>2003 - 2- 6</b></p>	<p>Relevant goals include:–</p> <p><u>Health &amp; Social Well Being</u>: To improve the health and well being of all Gosport residents; tackling health inequalities, promoting independence and preventative programmes, and modernising local health and social care services - healthy people require less specialized housing.</p> <p><u>Community Safety</u>: To create a climate for Gosport in which the community feels safe, with the common aim of raising awareness, reducing crime, encouraging ownership by the local community, thereby providing reassurance and improved community safety – improving home security.</p> <p><u>Environment</u>: To conserve and enhance the natural and built environment of Gosport, creating a clean, healthy and attractive place in which to live and work – housing provision, fuel poverty and contaminated land.</p> <p><u>Housing</u>: To provide adequate and appropriate homes to suit the means and hopes of the Gosport community – securing investment in the ageing housing stock.</p> <p>See also relevant entries in “Delivering Community Priorities – Community Strategy Action Plan 2004-2005”</p>

<b>Corporate Plan</b>	<p><u>Objectives:-</u></p> <p><b>HO1</b> Continuous assessment of housing needs and the development of appropriate responses to meet them.</p> <p><b>HO2</b> The efficient use of the existing housing stock and buildings to maximize resources.</p> <p><b>HO3</b> The provision of affordable housing to meet local and special social and economic needs.</p> <p><b>HO4</b> Sustainability by balancing housing growth with employment and regeneration.</p> <p><b>HO5</b> The provision of advice services to prevent homelessness and provide information on a range of housing options.</p> <p><b>HO6</b> Energy efficiency improvements to the dwellings in the Borough.</p> <p><b>HO7</b> Adequate social and physical infrastructure to support existing and any proposed housing areas.</p>
<b>Housing Services Plan</b>	<p><u>Examples:-</u></p> <ul style="list-style-type: none"> <li>• Undertake, via consultants, a comprehensive survey of private sector stock conditions</li> <li>• Send Landlord Packs to all known local landlords and managing agents, providing info on gas safety, condensation minimisation and energy efficiency.</li> </ul>
<b>Housing Strategy</b>	<p><u>Example:-</u></p> <ul style="list-style-type: none"> <li>• Improve the physical standard of housing in the Private Sector and continue to direct any additional funding at schemes that promote regeneration and sustainability.</li> </ul>
<b>Energy Conservation Strategy</b>	<p><u>Examples:-</u></p> <ul style="list-style-type: none"> <li>• Improve the energy efficiency of the residential accommodation in the Gosport area by 30% over a 15 year period from a baseline at 1st April 1996.</li> </ul>

	<ul style="list-style-type: none"> <li>• Increase the promotion of all appropriate grants and co-ordinate the range of energy efficiency advice available to all housing sectors.</li> </ul>
<b>Empty Homes Strategy</b>	<p>Example:-</p> <ul style="list-style-type: none"> <li>• Develop initiatives and target resources towards encouraging regeneration.</li> </ul>
<b>Gosport Crime and Disorder Strategy 2002-2005</b>	<p>Section 8 – Delivery of the Strategic Priorities</p> <p>8.6 – <u>Burglary</u></p> <p>To develop more activity between agencies to reduce the incidence of domestic (household) burglary, especially looking at target hardening (i.e. locks, alarms and gates etc) and awareness raising.</p>

4.12 In addition the South East Regional Housing Statement 2002-2005 includes the following key regional priorities:

- Priority 4 To meet the needs of those who require supported housing;
- Priority 6 To improve the quality and suitability of the housing stock;
- Priority 7 To promote regeneration & neighbourhood renewal;
- Priority 9 To support crime reduction through housing provision.

This Statement specifically focuses on Decent Homes, Private Sector Renewal, energy efficiency and fuel poverty.

4.13 The Council recognises that pockets of deprivation exist in certain wards with individual properties being in substantial disrepair. In line with the rest of the country, the Borough has an ageing population. In Great Britain the number of over 65's will increase by two million by 2015, and the number of over 75's by 40% by 2022. However, in Gosport the increase is at a much higher pace than the national average. Recent research by the South East Regional Public Health Group (part of the Government Office for the South East, November 2005) has deduced that, after Milton Keynes, Gosport has the highest projected increase in the number of persons aged over 65 in the South East and Thames Valley. There is an

inextricable link between ageing and disability and 38.7% of those with a disability are over the age of 60. This rise will obviously lead to increasing demands from this age group to be able to remain independent in their own homes whilst local, national and international issues mean we must try and reduce fuel poverty and global warming. It is on these key foundations that this Private Sector Housing Renewal Policy is constructed.

4.14 In addition the Borough Council must meet key national priorities: Circular 05/2003 refers to the extension to the PSA 7 (Public Service Agreement) target, which aims to increase the proportion of vulnerable households in the private sector living in decent homes. PSA7 has now been subsumed into DHO2, but the target remains the same. A home meets the decency standard if it:

- meets the current statutory minimum standard for housing;
- is in a reasonable state of repair;
- has reasonably modern facilities and services; and
- provides a reasonable degree of thermal comfort

See Appendix 4 for a detailed definition.

Specifically, compliance with this target requires the proportion of 'vulnerable' households, defined as those in receipt of at least one of the principal means tested or disability related benefits (see Appendix 2 for a detailed definition) living in Decent Homes (from a National 2001 baseline of 57%) to reach the following levels:

63% by 2005

70% by 2010

75% by 2020

The Government set all social landlords the physical target of ensuring that all their homes attained the decent Homes Standard by 2010. The problem with using vulnerable households as a target is that it is a socio-economic and not

a physical target. So, the recent economic downturn, or “Credit Crunch”, coupled with spiralling energy prices, will place more households in the ‘vulnerable’ category. The Government’s commitment to achieving the Decent Homes target for private sector housing has been confirmed in the Office of the Deputy Prime Minister’s (ODPM’s) Five Year Plan ‘Sustainable Communities: Homes for All’. As the latest national housing survey was undertaken in 2001, and the Decent Homes Standard was only extended to the private sector in 2002; The Department for Communities and Local Government has provided a “Ready Reckoner” to assist local authorities to obtain an indication of the proportion of vulnerable households who resided in non-decent housing at that time. Hence this provides local authorities with an agreed base-line figure. However, this indicator of the likely magnitude of the problem only relates to the situation in 2001:

“The Ready Reckoner is based on statistics obtained from the 2001 EHCS and is therefore most appropriate for indicating the situation at that time. The Ready Reckoner is based on the association between the number and likelihood of vulnerable households living in non decent homes in any given district on the one hand and the level of deprivation and the age of the private sector dwelling stock in that area on the other, with input of some basic local private sector stock information”.

*[District level Ready Reckoner for Private Sector Households in Non Decent Homes – Department for Communities and Local Government October 2005]*

The “Ready Reckoner” models local measures of the problem, from district-level input of: -

- The 'deprivation group' to which each district has been assigned (obtained from the list appended to the “Ready Reckoner” document). This is a number ranging from 10 (the very best) to 1. Gosport is 6. [For comparison with the other local authorities in the County: Fareham is 10, Winchester is 10, Hart is 10, East Hampshire is 9, Eastleigh is 9,

Test Valley is 9, New Forest is 8, Rushmore is 8, Portsmouth is 4, Havant is 4, Southampton is 3, and the Isle of Wight is 3]. And;

- The age profile of the private sector stock for the district (i.e. number of properties built before 1919, number built between 1919 -1944 and so on).

It should be noted that The Department for Communities and Local Government have stated that when local authorities are assessing levels of non-decency, as a rule of thumb, properties constructed after 1980 should be adjudged to be decent.

The “Ready Reckoner” assessed the proportion of private sector vulnerable households in Gosport living in non-decent housing in 2001 to be 40.6%. Hence, the proportion of vulnerable households living in decent homes to be 59.4%. The most recent Gosport private sector house condition survey, undertaken in 2004-05, indicated that the proportion of non-decent homes in the Borough stood at 9%, and the proportion of vulnerable households who occupied a decent home was 67% (2289 No).

The provision of an adequate supply of decent homes is hence a key element of the Government’s Sustainable Communities Plan.

4.15 The key conclusions of the Stern Review on the Economics of Climate Change, published in October 2006, were welcomed by the Government. Those of main relevance in this Policy focus on the serious threat that climate change makes and the demands for an urgent response. The domestic energy consumption and hence carbon emissions account for over a quarter of the UK total. So this is an obvious area that the Government believes local authorities must target for improvements especially as these improvements may be achieved in a relatively cost-efficient fashion. The reasons for this are as follows: -

- The cost of insulating a loft is minimal.
- The cost of cavity wall insulation is minimal.
- The re-payment time (in reduced bills) for both of the above is minimal.

- Generous Government Grants exist to help many vulnerable households (over 60, registered disabled, or with a child and in receipt of an income related benefit).
- Generous discounts are available to all householders for loft and cavity wall insulation from the main utility companies.

4.16 By encouraging local authorities to target domestic energy efficiency the Government hopes to achieve the following: -

- Help to reduce the large number of people that die from the effects of cold in the winter (excess winter mortality\*).
- Help to moderate the effects of global warming.
- Help to reduce the amount of energy used in heating and lighting so reducing the risk of households suffering fuel poverty. Using the Government's definition, the latest figures suggest that in 2004 there were two million households in the UK in fuel poverty, and that one and a half million of those were vulnerable.

\* Excess winter mortality is defined as the increase in number of deaths that occur during the winter when compared with levels for the non-winter period. The increase in the winter mortality over the last 10 years in the UK has improved, according to National Energy Action. For example, in 1999-2000, the figure was 54,000; whilst in 2005-06, the latest year for which statistics are available, it was 24,000. Obviously; the colder the winter, the higher the mortality and morbidity rate. However, it is hoped that the relative reduction in excess winter mortality statistics is a downward trend and shows the results of years of promoting energy efficiency and especially home insulation measures by, amongst others, local authority officers.

4.17 As part of the Borough Council's on-going commitment to energy efficiency it is hoped to be able to continue with two initiatives which were commenced in the preceding year:

- The first is to complete a thermal image flypast, then place the information on the Gosport Borough Council website. Thereby householders may quickly be able to determine how much energy their home is releasing into the atmosphere. It is hoped to be able to use hyper-links to then connect viewers to the sites offering grant aided or heavily discounted insulation services. This work is being funded by the Regional Housing Board, following a successful bid.
- The second is to monitor the progress of a private enterprise scheme, Energy Saving Partnership, who will be able to show householders, via a thermal image, how much heat their property is losing via the front walls, doors, windows etc, then offer an insulation solution via one of the free or heavily discounted insulation schemes currently available.

4.18 Furthermore; when the Borough Council's Energy Efficiency Officer left the Town Hall, her position has been filled by an Energy Efficiency and Sustainability Officer; thus tying in the position more to the Borough Council's commitment to sustainability.

## 5.0 **RESOURCING THE PRIVATE SECTOR HOUSING RENEWAL POLICY**

5.1 The provision of operational services resulting from this Private Sector Housing Renewal Policy will be undertaken through the Private Sector Housing Team, part of Housing Strategy and Enabling within the Housing Services Business Unit.

5.2 Revenue expenditure in the Town Hall is primarily aimed at the payment of salaries. Fiscal support is provided to the Home Improvement Agency provided through 'In Touch', part of the Hyde Housing Group.

5.3 The capital funding of assistance for approved works or other measures substantially comes from the Council's own resources although the Government does provide a substantial contribution towards Mandatory Disabled Facilities Grants. For years the Government would reimburse 60% of all expenditure on Mandatory Disabled Facilities Grants below an



allocation of specified capital grant from the Department of Communities and Local Government (DCLG), formerly ODPM). However this changed in July 2008. Now the Government provides a set amount to each local authority (the amount depending on size and need) and the local authority is expected to meet all the Disabled Facilities Grants needs of its residents up to and above this figure. The allocation of capital funds for private sector housing renewal depends on the prevailing priorities within the wider capital programme. These include Local Authority Supported Housing Grant to Housing Associations and direct spend on its own stock.

5.4 Capital allocated for all grants and loans, including Mandatory Disabled Facilities Grants for 2009-10 totals £400,000. This amount equates to contributions of £100,000 from the Borough Council (specifically for Mandatory and Discretionary Home Repair Assistance Grants (for use in priority situations for emergency disabled aids and adaptations), and £60,000 from the Regional Housing Board (to be used towards achieving the Private Sector Decent Homes Standard target) and £240,000 from the DCLG towards Mandatory Disabled Facilities Grants.

5.5 The Council recognises the needs and benefits of supporting the private housing sector in a targeted and effective manner and will continue to do so.

## 6.0 **TYPES OF ASSISTANCE AVAILABLE**

6.1 Under Article 3 of The Regulatory Reform Order Etc. Order 2002 the Borough Council has the power to render assistance, directly or indirectly, to any resident in a number of ways: -

- to acquire living accommodation (whether within or outside their area);
- to adapt or improve living accommodation (whether by alteration, conversion or enlargement, by the installation of any thing or injection of any substance, or otherwise);
- to repair living accommodation;
- to demolish buildings comprising or including living accommodation;

- where buildings comprising or including living accommodation have been demolished, to construct buildings that comprise or include replacement living accommodation.

It is the intention of this Policy to discharge these powers by providing assistance in the form of education and encouragement, direct financial assistance and enforcement.

### **Education and Encouragement**

6.2 The Council's officers will, except where statute requires otherwise or there is an imminent risk to health or safety, attempt to resolve all problems through education, mediation, negotiation and awareness raising. The objective will be to enable property owners to fulfil their responsibilities in an environment of understanding that meets their needs and promotes the benefits of such action.

6.3 In addition, the Council will undertake specific targeted education campaigns in order to achieve certain objectives, such as to improve understanding of the need to maintain the home, energy conservation measures, etc.

6.4 The Regulatory Reform Order enables local authorities to provide assistance in the form of advice, either directly or through a third party. The provision of advice and encouragement may or may not also involve financial assistance.

### **Direct Financial Assistance**

6.5 The Regulatory Reform Order enables local authorities to provide financial assistance in the form of a grant, or a loan, either directly or through a third party.

6.6 **GRANTS**

The Council must provide Mandatory Disabled Facilities Grants (DFG's), under the provisions of Section 23 of the Housing Grants, Construction and Regeneration Act 1996, when it has been assessed (usually by an Occupational Therapist) that the works entailed will meet the needs of a registered or registerable disabled person towards:–

- Facilitating access by the disabled occupant to, from and within the property;
- Making the property safe for the disabled occupant;
- Providing suitable and accessible living, sleeping, bathing and cooking facilities;
- Providing suitable heating;
- Altering as required the heating, lighting and electrical systems/fittings.

6.7 In addition, the Council will offer the following discretionary grants to individual applicants or to selected organisations, subject to terms and conditions:

6.7.1 **Handyperson Scheme:** To promote the concept of personal responsibility for the maintenance of one's own property, even for older people, the registered disabled and the less well off. This Scheme provides a reliable reduced cost service for items of repair or maintenance such as replacing a tap washer, installing security measures, clearing eaves gutters etc. that would be difficult for older people to undertake themselves, matters that, if not attended to can quickly lead to larger problems of disrepair and the gradual deterioration of a person's property.

6.7.2 **Home Repair Assistance Grants:** For vital emergency minor aids or adaptations: Applicants must:–

- Be registered or registerable disabled

AND should be in receipt of –

- Income Support
- Income-Based Jobseekers Allowance or

- Council Tax Benefit.

Council or housing association tenants are NOT eligible.

The grants cover minor aids and/or adaptations (for instance, a straight stairlift or level access shower) that, if not carried out, could directly affect the occupant's health, safety and welfare or; the health, safety and welfare of the disabled person's carer or; to prevent "bed-blocking".

6.7.3 **Conversion Grants:** Paid to private landlords for the conversion of empty shops, offices or commercial buildings, or under-occupied properties, into smaller self-contained units for subsequent renting.

6.7.4 **Homecheck Scheme:** One part of the successful bid to the Regional Housing Board was the partial support of the Homecheck Scheme currently operated by Environmental Health. The Homecheck Scheme provides a free home health and safety check for vulnerable households in the Borough who are aged over 60, the registered disabled and those with a child under 5 years of age. The valuable work the Homecheck Scheme undertakes, such as removing trip hazards, providing free smoke detectors and improved door and window security, hopefully help to reduce the number of home accidents and help people feel safer in their own homes. As part of the successful bid all the materials supplied under the Homecheck Scheme will be paid for by the Regional Housing Board. Furthermore, the officer who undertakes the home-checks has been trained in and received the City & Guilds Certificate in Energy Awareness so has undertaken to promote energy efficiency as part of his visit. This will involve promoting any of the free or heavily discounted insulation schemes currently available. In recognition of this valuable work it is proposed to assist the funding of the Homecheck Scheme with £5,000.

6.8 **Loans, Equity Release etc.**

The Council will not directly provide any loan or arrange any equity release or other funding. Due to there being a dire shortage of suitable products

from mainstream High Street lenders; the Borough Council, in conjunction with a consortium of other neighbouring local authorities (five in all, including Brighton, Chichester, Eastleigh and Portsmouth) commissioned a feasibility study on a range of potential secured and unsecured loans through South Coast Money Line (SCML) [formerly Portsmouth Area Regeneration Trust (PART)]. The Report recommended that a pilot scheme be introduced and to that end Members agreed in the Housing Renewal Policy 2004/5 to fund initial set-up costs and loan funding each year. The Scheme, named 'Southern Home Loans Partnership' made its first loans in 2006. Again, this Scheme follows Government Guidance that the primary responsibility to repair one's home rests with the owner but, unlike the Handyperson Scheme, this loan scheme will be for larger scale repair works by owner-occupiers who find it very difficult to access funding from mainstream financial institutions. Loans will be made available to owner-occupiers, who own the freehold of their property, to bring their homes up to the Decent Homes Standard. No monies forwarded by the Borough Council may be used by residents in any other area except those residing in Gosport Borough itself. Loans will not be offered to leaseholders of properties whose freeholder is a Registered Social Landlord (RSL), as RSL's provide many ways in which payments can be made for key repairs. Neither will loans be offered to home owners who would qualify for a loan from a main High Street lender. A key task for the SCML will be to identify sources of loan funds, other than direct from the commissioning local authorities. In time, with the repayment of loans, and hence re-cycling of the original funds provided, it is hoped that the Scheme will become more and more self-financing.

#### 6.9 **Level of Assistance**

The Government is insistent that local authorities must make some provision for assistance, even though a suitable range of financial products may become available through private lenders. The Council will therefore continue to offer a range of direct grant assistance. Some applicants for Disabled Facilities Grants will, following a test of financial resources, be

expected to make appropriate contributions towards the costs of improvement, adaptation, etc. These applicants may have to arrange loans, etc., to cover their share of the cost of the works. Other applicants, such as landlords applying for Conversion Grants, will be offered a fixed sum as an incentive. Discretionary Home Repair Assistance Grants will only be awarded for specific, high priority works for applicants who are registered or registerable disabled on very low incomes. Where direct grant funding is not available or is insufficient to cover project costs, or where the applicant intends to carry out further works which are not the subject of a qualifying application, applicants will be directed to seek assistance from an Independent Financial Advisor or SCML.

- 6.10 The Council will monitor the availability of appropriate private sector funding products and will actively seek to ensure that such products are made available locally. However, the Council will not offer financial advice to individual applicants.

#### **Promotion and Encouragement**

- 6.11 The Council would consider supporting any third party that met the approval of the Council, such as an energy management company, who can, at no cost to the Council, promote and co-ordinate Insulation Schemes in the Borough that will benefit local residents.

#### **Enforcement**

Enforcement action will not normally be the first response to minor contraventions of legislation. Following Government guidance, enforcement action usually only follows when the “softer skills” of mediation, negotiation and even listening have failed to achieve the desired result. This follows Central Government’s determination to attack the housing shortage in the private rented sector by persuading landlords of the benefits of entering this business. When enforcement does occur, it will be undertaken in accordance with the Enforcement Policy detailed in Section 12. The need for immediate formal enforcement may be brought about by various factors such as the severity of a problem, imminent risk, previous history, confidence in a landlord, public interest, etc

## **7.0      ACCESSING DISCRETIONARY GRANT AID**

- 7.1      The Council's Policy on assistance takes into account the responsibilities of owners to maintain their own properties but also considers their ability so to do and the vulnerability of different groups as well as other criteria in determining eligibility, terms and conditions. It also takes into account the local need for private rented accommodation. Those people who are able to qualify for assistance will be given every opportunity to access the process through the full dissemination of information at Council points of contact, and those of partner organisations.
- 7.2      A hard copy (paper) summary of the Council's Policy will be made available on request, free of charge, from the Town Hall. A full copy of this Policy will also be posted on the website. Customers will also be able to make comments on the Policy on line. A soft copy of this Policy will be offered to all potentially interested organisations, e.g. In Touch and Citizens Advice Bureau etc.
- 7.3      Access may thus be via existing points of contact within the Council, its partner organisations or other interested parties or by written, telephone or electronic enquiry.
- 7.4      The first stage in the process comes when a potential applicant makes initial contact and enquires about possible assistance for repair, improvement, adaptation, conversion or insulation. In appropriate cases the enquiry will be passed to In Touch who can assist with administration, selection of contractors, supervision of works, etc. In the event of a person not wishing to use the services of In Touch, verbal assistance and all relevant forms can be provided. However, in order to retain the independence of Council employees in these instances, no assistance may be given with form filling or in finding suitable contractors. In the event of assistance being likely towards a flat conversion project, the private sector

landlord enquirer will be expected to make a substantial financial contribution, and then rent the property out in the private sector. Where no financial assistance can be provided, the enquirer may be advised to obtain independent financial assistance for loans, equity release or other funding that may be available from commercial lenders.

- 7.5 If the Council believes grant funding may be available, the next stage will be the completion of the application formalities including appropriate certificates and agreement with terms and conditions etc, as well as the required number of estimates/quotes. The Council may approve a grant based on the lowest estimate of a minimum of two requested. The level of any Discretionary Home Repairs Assistance Grant approved will be the total cost of agreed works. In the case of a Conversion Grant, the level will be restricted to not more than 50% of all reasonable costs of the total cost of the project up to a maximum of £5,000 per resultant self-contained unit.
- 7.6 It should be noted that enquiries/applications from private sector landlords would only be entertained for either the conversion of empty shops, offices or commercial properties, or under-occupied properties. In all cases the properties would have to be used for renting in the private sector for a minimum of five years. No financial assistance will be paid towards the cost of repairing tenanted dwellings, nor for works to provide means of escape in case of fire or basic amenities or in HMO's (houses in multiple occupation); these needs will be remedied by recourse to enforcement action if appropriate (see Section 12).
- 7.7 The result of the second stage of the process will be conveyed to applicants in writing, as stated in Article 3 (5) of the 2002 Order.
- 7.8 The amount of information required of applicants will be commensurate with the Council being satisfied that all necessary audit checks have been complied with. Some applicants may be required to provide more information than others for the same type and level of grant. The same



standard form will be used by all applicants for the same classification of grant regardless of the value of works.

## 8.0 **GRANT DETAILS**

### **Mandatory Disabled Facilities Grants**

- 8.1 The Council will award Mandatory Disabled Facilities Grants (DFG) according to the prevailing legislation and Government guidance that determines, amongst other things, the type of work that can be funded, the maximum contribution that may be made, and the test of financial resources that must be applied. It is a statutory requirement that all applicants must make their initial approach to Hampshire County Council Occupational Therapy Unit and, where appropriate, will be urged to pursue their application via In Touch.

### **Discretionary Disabled Facilities Grants**

- 8.2 The Council will not normally consider applications for Discretionary Disabled Facilities Grants. Where applicants have a contribution to make according to the outcome of the test of financial resources they may provide written evidence to the Council from an independent third party financial advisor of their inability to raise sufficient funds to cover their own contribution. In such circumstances the applicant will be recommended to approach SCML. If the applicant refuses to do this and so requests, a confidential report on the application will be presented to the Housing Board and Members will decide what level, if any, of additional funding will be awarded.

### **Discretionary Home Repair Assistance Grants (HRA's)**

- 8.3 Discretionary Home Repair Assistance Grants (HRA's) will be considered for aids and/or adaptations where both the applicants and the proposed works comply with 6.7.2 above. The grants are for use in priority situations

for emergency disabled aids and adaptations (for instance, a straight stairlift or level access shower) that, if not carried out, could directly affect the occupant's health, safety and welfare or; the health, safety and welfare of the disabled person's carer or; to prevent "bed-blocking".

The method of means testing for this type of assistance shall be a simple transference method whereby applicants will qualify if they already receive a means tested benefit listed in 6.7.2. It shall be a condition of this grant that if the relevant property is disposed of within 5 years of receiving grant aid, then the grant plus interest at compound rate must be repaid to the Borough Council.

#### **Discretionary Conversion Grants**

- 8.4 The Council will consider applications for Discretionary Conversion Grants from private sector landlords for the conversion of suitable properties (that is; for the conversion of empty shops, offices or commercial buildings, or under-occupied properties, into smaller self-contained units for subsequent renting) into self-contained units of accommodation, subject to specified terms and conditions. To qualify, the resultant units must be rented, or available to rent, for a period of not less than five years from the Certified Date of Completion. The maximum level of assistance will be £5,000 per unit created; the Council will consider the cost of all proposed work in the light of the eligibility of work and reasonableness of costed items on estimates/quotations. It shall be a condition of this grant that if the relevant property is disposed of within 5 years of receiving grant aid, then the grant plus interest at compound rate must be repaid to the Borough Council.

#### **Handyperson Scheme**

- 8.5 The Handyperson Scheme provides elderly and registered disabled residents with the opportunity of using a reliable workman to undertake minor works of repair or maintenance at a reduced cost to themselves, as the service is subsidised by the local authority. The recent Gosport Private Sector House Condition Survey revealed that 51% of local households contain retired people, one of the highest concentrations in the United Kingdom. Surveys have also shown that older homeowners have a real

fear of employing 'unknown' workmen, and have difficulty in finding trustworthy contractors to undertake small-scale works in the first place. Small-scale home repairs and other works can, if not attended to promptly, turn into large-scale problems for the householder. For instance, blocked eaves-gutters can often lead to damp penetration which can also lead to dry rot; a blocked gully can lead to the same thing but also rainwater washing away the foundations and major structural disrepair in that corner of a property. A Government consultation paper has recently been released which looks at the role of Home Improvement Agencies (HIAs). It stresses their value and the need for them to expand their roles and their coverage across the entire country. The Gosport Handyperson Scheme is funded for two days per week, which when added with the half day per week contribution from Social Services means that a Handyperson is available to the older and registered disabled residents of Gosport for half of each week. The Scheme is available to all residents who are over the age of 60 (not in employment and in receipt of a pension), or who are registered disabled (in receipt of Disabled Living Allowance). This is aimed primarily at promoting self-reliance and responsibility for the repair and maintenance of one's own home, another key point of Government intention. The works that the Handyperson may undertake cover such items as changing a tap washer, installing new or additional locks, erecting a new curtain rail and/or batten and bolts, door viewers, clearing eaves-gutters of leaves etc.

### **Homecheck Scheme**

- 8.6 The Homecheck Scheme, currently operated by Environmental Health, provides a free home health and safety check for vulnerable households in the Borough who are aged over 60, the registered disabled and those with a child under 5 years of age. The valuable work the Homecheck Scheme undertakes, such as removing trip hazards, providing free smoke detectors and improved door and window security, helps to reduce the number of home accidents and help people feel safer in their own homes. The officer who undertakes the home-checks has been trained in and received the City & Guilds Certificate in Energy Awareness so has undertaken to

promote energy efficiency as part of his visit. This will involve promoting any of the free or heavily discounted insulation schemes currently available.

#### **Change of name of a welfare benefit**

- 8.7 Certain benefits, such as Income Support, may change or be amended by statute. The Housing Services Manager has the discretion to continue to award grant aid in cases where the nature of the recipient's benefit remains substantially unchanged.

### **9.0 PRIORITISATION OF APPLICATIONS FOR ASSISTANCE**

- 9.1 First priority will be given to applicants for Mandatory DFG.
- 9.2 Second priority will be given to those grant applicants whose health, safety and welfare would be compromised if essential works are not carried out quickly.
- 9.3 Third priority will be given to assistance to private sector landlords for the conversion of suitable properties (that is; for the conversion of empty shops, offices or commercial buildings, or under-occupied properties, into smaller self-contained units for subsequent renting) into self-contained units of accommodation for renting in the private sector.
- 9.4 The Council operates to a fixed budget. When this budget runs out no further grants will be paid.

### **10.0 TERMS AND CONDITIONS**

- 10.1 These terms and conditions form part of the Council's Private Sector Housing Renewal Policy and will be applicable to all elements of it, except where otherwise stated. In so much as the terms and conditions applicable to Mandatory DFG are set by statute determined by the Government, these terms and conditions are not applicable to these grants although some may be the same as those which are applicable to such grants, details of which are separately available.
- 10.2 The terms, conditions and eligibility criteria for discretionary grants detailed within this policy will be set down in writing for all grant applicants, as stated in Article 3(5) of the 2002 Order. In addition, all applicants will be required to sign a relevant application form to indicate that they accept the Borough Council's terms of grant assistance, and consent to the actual works being carried out at their home.
- 10.3 In making an application for assistance, applicants are agreeing to all the terms and conditions as detailed by the Council.
- 10.4 **Information provided** to the Council by applicants as part of the application process will be checked thoroughly and may be shared with other departments of the Council and other organisations involved in any aspect of handling public funds, upon the discretion of the Head of Internal Audit and Risk Assurance, to prevent and detect fraud or in investigation of other possible criminal activities.
- 10.5 Applications or enquiries will only be accepted on the **prescribed forms** of the Council.
- 10.6 Applicants must be 18 years of age or older at the date of application and in the case of joint applications, one must be over 18 at the date of application.

- 10.7 Applicants for assistance will be required to sign a declaration as to the accuracy of information provided and that of supporting paperwork, such as wage slips and accounts, etc. The Council will determine the level of assistance, if any, of Mandatory DFG as set out in the prevailing Housing Renewal Grants Regulations. The Council will routinely carry out cross-checks on information provided and paragraph 10.4 above will apply to all such information.
- 10.8 No application will be accepted for works required to reinstate any dwelling designated as defective under Section 528 or 559 of the Housing Act 1985, although applications for other types of work to defective dwellings will be considered, such as for a DFG.
- 10.9 All applications for assistance must be accompanied by an Owner Occupation Certificate or a Tenant's Certificate or a Certificate Of Intended Letting, which states that the applicant has, or proposes to acquire, a qualifying interest in the property which is the subject to the application; or, that he will rent out the property for a minimum of five years. In addition the following separate requirements will apply:-
- 10.9.1 *Owner Occupation Certificate:* in the case of an application for a DFG, the applicant must confirm that he/she intends that the property will be the only or main residence of the disabled occupant throughout the condition period or such shorter period as his/her health and other relevant circumstances may permit.
- 10.9.2 *Intended Letting Certificate:* that throughout a period of five years from the completion date the property will be let or available for letting as a residence, not a holiday home, to a person(s) not related or connected with the owner of the dwelling for which assistance is being received.
- 10.9.3 **Proof of title** shall also be required to enable property ownership to be confirmed, and **consent of any mortgagee** will be needed.

- 10.10     **The applicant employs the builder or contractor** to undertake agreed works and the Council have no contractual liabilities in that relationship as their role is only to administer the grant/loan process.
- 10.11     The applicant is ultimately responsible for ensuring the quality of the completed works. This responsibility can be transferred to an agent of the applicant, such as an architect or a Home Improvement Agency, such as In Touch.
- 10.12     If an applicant submits an **estimate/quote from a member of their family** who then carries out the agreed works the grant will be paid on the basis of the cost of materials only and no allowance will be paid towards labour.
- 10.13     Upon the conclusion of a Discretionary Conversion Grant, it will be expected that the property will be **left in a statutorily fit condition** (or free from any Category 1 or 2 hazard identified through the Housing Health and Safety Rating System); any exception to this will require the authority of the Housing Services Manager.
- 10.14     **Tenants:** Grant applications from private sector tenants and housing association tenants will only be accepted for a Mandatory Disabled Facilities Grant. Assistance for private sector, Council and housing association tenants will be accepted for the Handyperson Scheme and Homecheck Scheme. A Tenant's Certificate stating that the applicant is a qualifying tenant of the dwelling and that she/he intends to live in the dwelling as their only or main residence must accompany applications from qualifying tenants. A tenant's Disabled Facilities Grant application must also be supported by written permission from the landlord agreeing to the proposed adaptation. In all circumstances, other than the Handyperson Scheme, work to a property will require the **owner's written authority** and the knowledge of any mortgagee.
- 10.15     An application for a Disabled Facilities Grant will only be considered complete and then processed when it is accompanied by an **Occupational**

**Therapist's Report** recommending the necessary works. It is expected that such a report will be provided at the commencement of the enquiry/application process.

- 10.16 An application for assistance towards **works that have already been completed** will not be accepted. However, in the case of Disabled Facilities Grants, where it is adjudged that the needs of the applicant are critical, but for some reason (such as lack of funds) a Disabled Facilities Grant cannot be approved immediately, then applicants will be permitted to commence the relevant works following the issue of written authorisation from the Council.
- 10.17 The details of **means testing** referred to in individual grant description shall apply to all applications made for Disabled Facilities Grant except in cases where the grant is for a child.
- 10.18 The amount of **grant payable**, for each application, shall be the actual cost of undertaking the eligible works (including any associated fees) less any contribution required from the applicant, up to the prevailing limits as listed below. For Mandatory Disabled Facilities Grant the limit is absolute, based on Government legislation; for other grants the limit is determined locally.

Mandatory Disabled Facilities Grant	£30,000
Home Repairs Assistance Grant (HRA) [for an essential minor aid or adaptation]	£5,000
Discretionary Disabled Facilities Grant	Determined by Housing Board
Discretionary Conversion Grant	50% up to a maximum of £5,000 per unit
Handyperson Scheme	£250

- 10.19 Funding will only be increased beyond the sum originally approved, up to the maximum set out in 10.18, in the event of:-



- Unforeseen work being required to allow completion of eligible works,  
or
- Associated works needed to protect the health and safety of occupiers,  
or
- Evidenced increases in costs to the contractor from their suppliers, etc.

A formal **Revised Approval** will be required before any additional payment is made.

- 10.20 All **payments** shall be conditional upon receipt of an acceptable invoice and made direct to the appropriate contractor following agreement with the applicant that works to the appropriate stage have been satisfactorily completed. In any dispute between the applicant and contractor, which is not resolved in a reasonable time period, the grant, or part thereof, may be paid to the applicant at the discretion of the Council.
- 10.21 The Council will include the cost of **Preliminary or Ancillary Services Fees and Charges** within the calculation of assistance and each submission of fees will be individually considered for reasonableness. Payment towards any such fees is conditional on a grant being approved and the specified works being completed in full and the Council will not be held responsible for any fees incurred before or after approval.
- 10.22 The Council will consider requests for **Interim Payments** such that no interim payment will be more than 90% of the cost of completed work and in aggregate no more than 90% of the total approved amount before final completion.
- 10.23 The Council will determine in each approval document the **time period allowed for works** to be completed, which will not normally exceed 12 months and may be significantly shorter for small items of work.
- 10.24 The grant **works must be carried out** by one of the contractors whose estimates/quotes were submitted as part of the application process, the

grant having been calculated using the lowest priced estimate/quote. Exceptions to this rule will only be made in special circumstances, such as the original contractor being unavailable to carry out the work.

- 10.25 **The number of estimates/quotes** accompanying an application for assistance for a DFG shall be at least two. The exception shall be in cases where the adaptation or aid required is so specialised that only one manufacturer can supply it. In the case of a Home Repair Assistance Grant the minimum requirement will be one estimate/quote. No separate estimate/quote will be required in the case of Handyperson Scheme; costs shall be determined according to a standard schedule of rates agreed with the contractor, In Touch. The Council reserves the right to ask for more estimates/quotes if it is not satisfied with that/those already submitted.
- 10.26 In any case where **financial circumstances** at the time of application are later confirmed differently to those submitted by the applicant(s) such as would lead to reduced assistance or denial of assistance, the original approval will be amended/cancelled and the Council is entitled to demand repayment together with compound interest from the date on which any payment was made until the date of full repayment, at such reasonable rate as the Council may determine to recover any over payment. In such circumstances, the local authority may choose to cancel the whole approval or demand repayment of all monies paid, plus compound interest, despite the fact that a reduced level of assistance would have been approved, where it is felt the degree of error in the applicant completing the original means test forms is such to suggest a deliberate attempt to deceive.
- 10.27 Where an **applicant's circumstances change**, or are confirmed as different from originally stated, after the application has been approved, such that approval would no longer be given, the grant approval will be cancelled and no payments made, or no further payments made where interim payments have already been paid, except in exceptional circumstances when the Housing Services Manager may give authority to

provide further funding so as to conclude work at a suitable and appropriate stage. Where payments have been made, the local authority may demand repayment together with compound interest from the date on which payment was made until the date of full repayment, at such reasonable rate as the Council may determine.

- 10.28 In certain circumstances where the Council believe that applicants may have attempted to **deliberately defraud** the Council, details will be passed to the Head of Internal Audit and Risk Assessment who may recommend that the file be passed to the Police for investigation.
- 10.29 In the case of assistance for **works to common parts** (as some part or the whole works of a Disabled Facilities Grant) an individual applicant must obtain permission for the works to be undertaken by the Freeholder, unless there is evidence to the contrary, such as deeds or tenancy agreements, which prove otherwise.
- 10.30 In the case of a **Conversion Grant** (made to a landlord) for which part or complete payment has been made, and where the applicant **disposes of the property**, or ceases to make it available for letting as the case may be, before the conclusion of a five-year period following the date of final payment then he/she shall repay to the Council on demand the full amount of assistance paid plus compound interest at a reasonable rate determined by the Council. The compound interest part of this equation may be waived in exceptional circumstances, such as the ill-health of the original applicant being unable to continue his business.
- 10.31 In the case of a **Discretionary Home Repairs Assistance Grant** (made to an owner-occupier) for which part or complete payment has been made, and where the applicant **disposes of the property**, or does not use the property as their sole or main dwelling as the case may be, before the conclusion of a five-year period following the date of final payment then he/she shall repay to the Council on demand the full amount of assistance paid plus compound interest at a reasonable rate determined by the

Council. The compound interest part of this equation may be waived in exceptional circumstances, such as the ill-health of the original applicant forcing them to move properties.

10.32 The condition requiring repayment of assistance in the event of sale, etc, within the five full years after final payment is made shall not apply to the following:

- Handyperson Scheme
- Disabled Facilities Grants (DFG)
- Exceptional circumstances at the discretion of the Housing Services Manager.

Repayment shall not be made in the instance of discretionary grant aid for the Handyperson Scheme because their low cost value, i.e. less than £250, would make recovery uneconomic and in any event the measures undertaken have improved the housing stock as a whole. No repayment may be demanded, by law, from the recipient of a Disabled Facilities Grant if they choose to sell their property, even if this occurs months after the completion of a grant. An example of an exceptional circumstance that may be considered by the Housing Services Manager is the applicant having to move into a nursing or residential home.

10.33 If a property is disposed of within five years and the grant recipient feels they have a case for repayment to be foregone, representations will be considered by the Housing Services Manager, who will determine whether to waive repayment or not, or to recover the grant in total or in part. Bearing in mind Article 3(4), the Housing Services Manager shall have regard to the ability of the person concerned to make that repayment in full or part.

10.34 In the five-year period following final payment of grant, the applicant shall, upon written request from the Council, reply in writing within 21 days of the date of the request stating how he/she is **complying with any of the terms and conditions** of the grant. Failure to comply with this requirement

will be deemed a failure of grant conditions requiring total repayment of grant plus compound interest at a reasonable rate determined by the Council.

- 10.35 The conditions relating to **repayment of grant** apply equally to whichever certificate were signed for a five-year period from the date of final payment of grant.
- 10.36 In the event of a grant recipient pursuing a **successful insurance claim**, action for legal damages, etc, which covers the cost of works for which grant was previously paid, the applicant will on demand repay the total value of grant paid relating to such works or the value of the insurance payment/legal damages if lower.
- 10.37 The Council will **not undertake works on behalf of applicants**, except where works may be due in default of an owner's, tenant's, etc, failure to comply with a statutory notice.
- 10.38 The Council or their agents will hold final authority to determine what works are included on **grant schedules** although it may be acceptable for owners, tenants or their agents, etc, to draw up initial schedules of work which may be reduced or added to by the Council in terms of work qualifying for possible assistance.
- 10.39 The **payment** of a grant will only be considered after any applicant's contribution has been accounted for in the value of invoices submitted.
- 10.40 The responsibility to gain all **necessary approvals for works** to be undertaken with assistance rests with the applicant or their agent; such approvals may be Planning Permission or Building Regulation Approval or any of the matters raised within the terms and conditions of grant assistance.

- 10.41 Grant assistance will only be approved for the benefit of applicants who are able to provide evidence of a **valid National Insurance Number**.
- 10.42 The **discretionary grants** the Council awards are all subject to levels of available funding in each financial year and as such the Council reserves the right to defer consideration or approval of applications for periods of time of its own choosing in order to properly manage its finances.
- 10.43 In considering applications for the benefit of people with disabilities, the Council may choose not to grant aid adaptations for which Hampshire County Council are responsible under the **Chronically Sick and Disabled Persons Act 1970**.
- 10.44 The Council may specify in grant approvals involving the installation of specialised equipment for the benefit of people with disabilities that the **equipment is to be returned** to the Council if it is no longer needed or the property is sold. The grant recipient, or a representative, shall notify the Council as soon as the equipment is no longer needed and the Council or their agent may choose to remove it for re-use elsewhere, making good any damage caused by its removal. This principle shall apply even where the original grant was approved with a contribution from the applicant.
- 10.45 The Council **may refer enquiries** for assistance to the externally managed Warm Front Scheme or to the Home Improvement Agency if appropriate.
- 10.46 The Council may from time to time utilise **special funding** from Central Government or other sources aimed at specific works to target issues of local and national concern in accordance with any special conditions, such as the replacement of inefficient boilers. Any special terms and conditions applicable to such initiatives will be appended to the Private Sector Housing Renewal Policy, as they will not significantly alter the Council's primary approach.

- 10.47 The Council does not require applicants who are able to raise their own funding through equity release or similar schemes to raise **funds in excess of the cost of agreed works** where they do not wish to do so, as a result of any minimum funding values imposed by potential lenders.
- 10.48 The Council may determine not to consider applications from persons, organisations, etc, where there is a possible **alternative source of funding** for maintaining properties, such as the NHS

## **11.0 APPLICATIONS OUTSIDE POLICY**

- 11.1 Article 4 of the 2002 Order makes it plain that the Borough Council cannot provide assistance unless the power is exercised in accordance with the Policy.

## **12.0 PRIVATE SECTOR HOUSING ENFORCEMENT POLICY**

### **Introduction**

- 12.1 This policy is an integral element of the Private Sector Housing Renewal Policy and although the Council will do all it can to educate, inform and encourage property owners to undertake their responsibilities, firm enforcement action to protect the health and safety of tenants, occupiers and others will sometimes be essential. The initiation of formal enforcement action will only occur when other measures have failed to produce the necessary response, or where there is an urgent need for action or controlling legislation requires such.

12.2 In addition, the Council fully adopts the principles of the Central and Local Government Concordat on Good Enforcement. By adopting the Concordat we commit ourselves to the following policies and procedures, which contribute to best value and will provide information to show that we are observing them.

12.3 This Enforcement Policy sets out the general principles and approach which the Council will follow when considering enforcement action in the field of private sector housing, dealing with unfitness, disrepair, insecure premises, and statutory nuisances.

#### **Purpose and method of enforcement**

12.4 The primary objective is to ensure a fair, reasonable and consistent approach to enforcement in accordance with all appropriate guidelines and legislation.

12.5 Enforcement is distinct from civil claims for compensation and it is not undertaken in all circumstances where civil claims may be pursued, nor to assist such claims.

12.6 The Council has a range of tools at its disposal in seeking to secure compliance with the law and to ensure a proportionate response to criminal offences. Council officers may offer information and advice, verbally and in writing, which may include warnings that the law is not being complied with and, where appropriate, notices may be served, cautions issued and prosecutions taken.

#### **Principles of enforcement**

12.7 The Council must seek to ensure compliance with the law but will carry out this duty in an appropriate manner according to the following principles:



- Proportionality: any action that we take will relate to the seriousness of the risk to the health, safety and welfare of any individual or the environment and to the seriousness of any breach of the law;
- Consistency: we will try to ensure that our officers act in a similar way when faced with similar circumstances. We will also work with other authorities to ensure that this principle is applied at a local and national level;
- Transparency: the Council will try to help people to understand what the law requires of them and make clear what needs to be done, and not done, to comply. We will also make clear what people should do if they are not happy about any action we have taken or are proposing to take;
- Targeting: our enforcement efforts will be directed against those whose activities pose the most serious risks or those who have a history of non-compliance.

12.8 The Council will undertake appropriate quality checks to ensure that its officers are following these principles. Specific internal guidance will be adopted where there is insufficient national guidance.

### **Decision Making**

12.9 The decision to take formal enforcement action is made by the Borough Council through its Boards or Officers in accordance with the scheme of delegation to Boards and officers contained in the Constitution.

12.10 Decisions about whether to prosecute or offer a formal caution are made by the service manager concerned in consultation with the Borough Solicitor in accordance with the principles set out in this policy and the Council's Constitution.

### **Minor breaches of legislation**

12.11 Where a minor breach of the law has occurred we will try to deal informally with the matter and will therefore advise the person responsible what needs to be done to comply. When requested, written confirmation will be given and this will identify those matters that are legal requirements and

those which are recommendations for good practice. No further action will normally be taken by the Council when the person responsible is prepared to put things right. The person/business written to will always be advised who to contact should they not understand or disagree with the requirements.

#### **Serious breaches of legislation**

- 12.12 The Council prefers to secure compliance with legislation by a process of education and encouragement and will enforce such requirements in writing. It will sometimes be necessary for more formal action to be taken. This may involve the service of a Statutory Notice that states what must be done and gives a date for completion.

#### **Breaches of licence conditions**

- 12.13 Minor breaches of licence conditions will usually be dealt with informally, at least on the first occasion. As licence conditions are imposed in order to control activities that would otherwise cause harm, serious breaches will tend to result in prosecution/formal caution and/or revocation of the licence.

#### **Practical application of the Policy**

- 12.14 The Council will strive to ensure that enforcement decisions are always fair and consistent. In coming to any decision we will consider the seriousness of the offence, relevant past history, our confidence in person or business, the consequences of non-compliance, such as the risk to public health, and the likely effectiveness of enforcement options.
- 12.15 Where regular inspections are made of business premises, the frequency of these will be based on risk to the public and employees arising from the activities at those premises. Risk will be determined in accordance with national Codes of Practice and guidance.

### **Enforcement options**

12.16 Upon consideration of all available evidence the enforcement officer has a number of options :

- 8.6.1.1.1.1 To take no action
- 8.6.1.1.1.2 Informal action/advice
- 8.6.1.1.1.3 Service of Statutory Notice
- 8.6.1.1.1.4 Issue of a Formal Caution
- 8.6.1.1.1.5 Prosecution
- 8.6.1.1.1.6 Works in Default

These courses of action are not necessarily mutually exclusive and an act of enforcement could involve a number of these options.

### **To take no action**

12.17 Upon investigation, if no breaches of legislation are identified then this is the only applicable option.

### **Informal action/advice**

12.18 Includes offering of verbal or written advice, verbal warnings and written requests for action. Advice will be clearly stated and confirmed in writing, if requested or required, and will explain why remedial work is necessary over what timescale and what a legal requirement is and what is not.

Informal action is appropriate when:

- The matter is not serious enough to warrant formal action;
- Previous history suggest informal action will achieve compliance;
- Confidence in the owner, landlord etc is high;
- Generally standards are high;
- The consequences of non-compliance do not present a significant risk;
- The matter concerned is not a strict breach of law but the advice is good practice.

- 12.19 An investigating officer may determine that even where some of the above criteria are not met, initially informal action may be more effective than a formal approach.

**Service of statutory notices**

- 12.20 The use of statutory notices will be linked to criteria including risk, except where local authorities are required to serve notice by controlling legislation upon identification of certain matters, such as Statutory Nuisances and the Environmental Protection Act 1990.

Service of Statutory Notice is appropriate when:

- There are significant contraventions of legislation;
- Owners, landlords etc have shown reluctance to comply with legislation;
- There is a lack of confidence in a successful outcome from an informal approach;
- There is a serious risk to health and/or safety;
- The consequences of non-compliance present a significant risk;
- There are multiple breaches of legislation;
- No remedial action has been taken after an informal approach;
- Generally standards are not good;
- Confidence in the owner/landlord etc, is low;
- There is a statutory duty to serve.

- 12.21 Notices must only be served where there is proof that an offence has been or will be committed such that the evidence available would be admissible as evidence in a Court of law.

- 12.22 The limits specified in the notice must be realistic and where possible all requirements of the notice should be agreed with the recipient in advance. In arriving at limits and requirements for a notice the officer must give due

consideration to the likely cost of works, extent of works, availability of equipment and/or expertise required in order to ensure a realistic outcome.

- 12.23 All statutory notices served must set out rights of appeal and clearly state that failure to comply may result in court proceedings or work being carried out in default, if appropriate, at the owners/landlords expense.
- 12.24 The Council may be required for certain notices to undertake a process of advance disclosure of their intention to act which the Council may also choose to utilise on a voluntary basis if considered appropriate.

### **Formal Caution**

- 12.25 As part of investigations, any alleged guilty party will be interviewed in accordance with PACE (Police and Criminal Evidence Act 1984). A Formal Caution is an alternative to prosecution which is designed to deal quickly with less serious offences, avoid unnecessary Court appearances and reduce the likelihood of re-offending. When we are satisfied that an offence has been committed, and that the public interest would be best served by using this alternative, the offender may be given the option of accepting a Formal Caution. The implications of a Formal Caution will be clearly explained to the recipient in all cases before they are asked to sign.
- 12.26 The investigating officer must complete a 'prosecution' file before the Formal Caution is offered to the alleged guilty party.
- 12.27 The alleged guilty party must be given sufficient information to understand the significance of a Formal Caution.
- 12.28 In the event of the offer of a Formal Caution being refused, the Council will pursue the offence through a prosecution, except in exceptional circumstances as authorised by the appropriate officer.

### **Prosecution**

- 12.29 The Council prefers to deal with contraventions of the law in other ways, but on occasion it will be necessary for businesses and individuals to be prosecuted.
- 12.30 Then considering prosecution, we will consider all available information and wherever possible discuss matters with the person or business responsible to ensure that a fair, consistent and objective decision is made. We will consider the 'Crown Prosecution Service Guide – The Code for Crown Prosecutors', and in particular look at the following:
- The seriousness of the offence;
  - Previous history and the willingness to prevent a repetition;
  - Any explanation given;
  - The public benefit.
- 12.31 If the evidential criteria are met then the public interest criteria in support of prosecution will be considered:
- A conviction is likely to result in a significant penalty;
  - There has been a blatant disregard for the law, including where the economic advantages of breaking the law are substantial and the law-abiding are placed at a disadvantage to those who disregard it;
  - When there appears to have been reckless disregard for the health and safety of occupier or others;
  - Where there have been repeated breaches of legal requirements in a property or several properties in the same ownership and it appears the owner/landlord is neither willing nor structured to deal adequately with these;
  - Where, as a result of a substantial legal contravention, there has been a serious accident or a case of ill health;
  - Where there are persistent poor standards;
  - The requirements and recommendations previously given have not been taken and the owner/landlord has failed to correct a serious risk having been given reasonable opportunity;

- A statutory notice has been served and the time allowed for works to be undertaken expired, without an appeal being raised;
- A Formal Caution has been offered and refused, or where a Formal Caution has previously been accepted for a similar offence.

12.32 It is also necessary to consider public interest criteria against prosecution:

- The court is likely to impose a very small fine or nominal penalty;
- The offence was committed as a result of a genuine mistake or misunderstanding (balanced against the seriousness of an offence);
- Loss or harm suffered can be considered minor and was the result of a single incident, particularly if caused by misjudgement;
- There has been a long delay between the offence occurring and the date of the trial, unless:
  - The offence is serious;
  - The delay has been caused in part by the defendant;
  - The offence has only recently come to light, or
  - The complexity of the offence has meant that there has been a long investigation;
- A prosecution is likely to have a very bad effect on the physical or mental health of the tenant/victim (bearing in mind the seriousness of the offence);
- The defendant is elderly or is, or was at the time of the offence, suffering from significant mental or physical ill health, unless the offence is serious or there is a real possibility it may be repeated;
- The defendant has put right the defects, loss or harm that was caused (defendants will not avoid prosecution simply because they can pay compensation);
- A willingness of the defendant to prevent a recurrence of the problem;
- Information may enter the public domain that the Council or other public bodies may at least consider inappropriate;
- If it would be a more efficient use of public funds to simply proceed to carrying out works in default (bearing in mind the seriousness of the offence).

12.33 The decision on public interest is not simply an arithmetic calculation of pros and cons but involves officers deciding how important each factor is in the circumstances of individual cases and reaching an overall conclusion.

12.34 In reaching any decision to prosecute, this does not necessarily preclude the act of serving a notice or carrying out works in default as well, dependant on any specific direction associated with particular pieces of legislation.

### **Appeals/Right To Be Heard**

12.35 Most legislation gives rights of appeal against enforcement action to either the Courts or Tribunals and these rights will be clearly explained when any such action is taken. This appeals procedure may be time-consuming, costly and complicated. The Council has an informal appeals procedure that people can use prior to service of notices or other enforcement action. Rights of appeal can therefore be divided into informal and formal rights.

### **Informal appeal**

12.36 If a business or individual is unhappy with any proposed action they should discuss the matter with the Officer concerned in the first instance. If still unhappy, the Officer will provide the name of a Senior Officer within the Council who will be available to review the decision. At this time there will be an opportunity for the individual or business to make representations as to why the proposed course of action is unnecessary or unreasonable.

### **Formal appeal**

12.37 Once legal action, such as the service of a statutory notice or a decision to prosecute, has been taken, it is no longer possible to use the informal appeals procedure. Any appeal against the action taken will therefore need to be made to the relevant Court or Tribunal. Information outlining rights of appeal will be given to the recipient of each notice served. Recipients of notices etc will also be advised to take independent legal advice.



- 12.38 It should be noted that the formal right of appeal to the Court or Tribunal is unaffected by the informal process. Most formal appeals have to be lodged within a specific time.

### **Works in default**

- 12.39 The use of this power will initially be determined by the legislation under which a statutory notice was served and whether it allows for work to be carried out in default.
- 12.40 Works in default will generally be carried out when:
- The person served with a notice fails to comply with its requirements;
  - There has been no appeal against the notice, or an appeal has been quashed;
  - It is considered more appropriate/effective than prosecution or a successful prosecution has been taken and the problem remains;
  - The problem may be so serious as to require quick remediation through work in default at the same time as prosecution;
  - The recipient of the notice has requested such and given an undertaking to pay, in writing.
- 12.41 In determining whether to carry out works in default the following criteria will be considered:
- The seriousness of the defect and the urgency of the need to remedy the situation;
  - The ability of the Council to reclaim the cost of undertaking the works, plus an administration charge, should the recipient of the notice appeal the costs;
  - The comments of the recipient of the notice.

12.42 In commissioning any works so as to carry out works in default the councils' normal rules governing financial matters will be adhered to which includes provision for the possible ordering of works in emergency situations.

12.43 In all cases where controlling legislation allows, the Council will seek to recover costs incurred plus a reasonable charge for administration and interest where payment is delayed or through later recovery of a charge put on a property.

#### **General matters**

12.44 In cases of Formal Caution or prosecution, appropriate reference shall be made to the Borough Solicitor as part of the decision-making process.

12.45 The decision-making process undertaken through this policy will be carried out in line with the Council's Constitution giving authority to Members and officers for varying functions.

12.46 In carrying out this enforcement policy, any of the Council's duly authorised officers may use any of their powers, including power to enter premises to investigate particular offences, and in other circumstances. In appropriate cases an investigating officer may apply to the Court for a warrant to enter using reasonable force if necessary.

12.47 The Council will ensure all officers carrying out enforcement duties are suitably trained to do so and are subject to additional training as and when necessary for new legislation, etc.

12.48 The Council may make a charge for undertaking enforcement action when controlling legislation allows.

### **13.0 COMPLAINTS POLICY**

- 13.1 Any customer who is dissatisfied with the service provided will initially be asked to contact the officer who has been dealing with their case and give them the opportunity to alter the services or to or explain the decision/outcome.
- 13.2 If after contact with the officer dealing with the case a customer is still dissatisfied and wishes to explore the matter further they will be asked to contact the Head of Housing Strategy and Enabling who will provide a full written response within 10 working days of becoming aware of the matter. In the event of all enquiries not being complete to enable a full response within 10 working days, an interim response will be made within 3 working days indicating when a full response may be expected.
- 13.3 In the event that a customer is still dissatisfied, the Council has a formal complaints procedure and a leaflet is available upon request. This is a three-stage process as set out below:
- *Step 1:* If the customer is still unhappy they should contact the Housing Services Manager;
  - *Step 2:* The Housing Services Manager can resolve most complaints. However, if the customer still feels that their complaint has not been dealt with satisfactorily, or they would like to discuss it further, they can contact the Borough Solicitor who will carry out an independent review or arrange for one to be carried out.
  - *Step 3:* If the customer remains dissatisfied, their complaint can go before a panel of elected Councillors. They should request this through the Chief Executive or Borough Solicitor.

At this stage of the procedure the customer will receive a letter explaining the decision that has been made in relation to their complaint and the reason for it. Letters sent after Steps 1 and 2 will explain what can be done. If the customer still feels aggrieved they can ask the Local Government Ombudsman to investigate their complaint.

#### **14.0 DEFINITIONS WITHIN THIS POLICY**

“Administration Charge”	Will be imposed by the Council to cover the cost (plus VAT) of its officers organising works in default of an owner, e.g. after a statutory notice has not been complied with or when a responsible person requests the Council to organise works.
“Agreed Works”	Are those works appearing on a schedule produced or authorised by the Council
“Charge on a Property”	Is where the local authority legally places a debt on the record of a house and recovers the debt, plus interest, upon its sale if not settled beforehand.
“Common Parts”	In relation to a building, includes the structure and exterior of the building and common facilities provided, whether in the building or elsewhere, for persons who include the occupiers of one or more flats in the building.
“Consent of Mortgagee”	Is given by the building society, bank, etc., with whom the applicant has their mortgage in the case of freeholders and leaseholders.
“Conversion Application”	Means an application in respect of works to provide one or more dwellings by the conversion of a house or other building, or for the provision of a House in Multiple Occupation by the conversion of a house or other building.
“Date of final payment of grant”	Is the date of the final cheque from the Council that completes payment of the grant assistance.
“Decent Home Standard”	A Decent Home is defined as meeting four criteria: <ul style="list-style-type: none"> <li>• It meets the current statutory minimum standard for housing.</li> <li>• It is in a reasonable state of repair.</li> <li>• It has reasonably modern facilities and services.</li> </ul> It provides a reasonable degree of thermal comfort.
See Appendix 4 for a more detailed definition.	
“Equity Release”	Is a means by which elderly persons can raise money against the value of their home where the difference between any outstanding mortgage/loan and its current market value is significant, also applicable where there is no outstanding mortgage/loan. The method of repayment can vary but generally the value of the loan, with or without interest, is repaid upon sale of the property.

“Household Income”	Means the amount of money the financial markets will consider available from a household to fund a loan, but will not include income from children, etc., residing in the home, but purely from owner(s) and any spouse or partner living in the property.
“House in Multiple Occupation”	And references to the owner of or person managing such a house shall have the same meaning as in Parts 2 and 7 of the Housing Act 2004 or any successor statutory definition.
“Housing Health and Safety Rating System” (HHSRS) See Appendix 3 for a more detailed definition.	A system of assessment of dwellings to determine the nature and severity of risks to the health and safety of the occupants; implemented on 6 April 2006.
“Mandatory Disabled Facilities Grant”	Is defined as per in the Housing Grants Construction and Regeneration Act 1996, as amended, or as in any successor statutory definition.
“Means Tested Benefit’s”	Is any income-based benefit received by an applicant, as defined and listed in a separate information sheet.
“Member of the family”	Includes spouses, persons who live together as husband and wife, parents, grandparents, children, grandchildren, brothers, sisters, uncles, aunts, nephews and nieces. It also includes same sex couples for discretionary grant aid only.
“Person with a disability/people with disabilities”	She/he is registered as a person with a disability or, in the opinion of the Social Services Authority is registerable as a person with a disability. This definition recognises the fact that the majority of people will not be on a register.
“Persons not related or connected with the owner of a dwelling”	Means not being a member of the owner’s family in accordance with the definition of ‘Member of the family’.
“Preliminary or Ancillary Services, Fees and Charges”	Which may be included in a grant/loan application are: Technical and structural surveys; Designing and preparing plans and drawings and preparing schedules of works; Obtaining estimates and valuations; Applications for building regulations approval and planning permission;

	<p>Supervision of works;</p> <p>Disconnection and reconnection of electricity, gas, water and drainage utilities made necessary by the works (but no charges arising out of non-payment of bills);</p> <p>Advice on contracts and on financing the cost of works.</p> <p>Including such services given by or through home improvement agencies.</p>
"Proof of Title"	Is completed by a Solicitor or Building Society on an applicant's behalf in the case of freeholders or leaseholders to confirm ownership.
"Reasonable Repair"	Means the Council shall have due regard to the age and character of a dwelling and the locality in which it is situated, but not its state of internal decoration, when considering its condition.
SAP Rating (Standard Assessment Procedure)	<p>The SAP is the Government's recommended system for the energy rating of dwellings. The SAP is used for:</p> <ul style="list-style-type: none"> <li>• Calculating the SAP rating, on a scale from 1 to 100, based on the annual energy costs for space and water heating. The higher the figure the more energy efficient is the property.</li> <li>• Calculating the Carbon Index, on a scale of 0.0 to 10.0, based on the annual CO2 emissions associated with space and water heating.</li> </ul> <p>SAP ratings allow comparisons of energy efficiency to be made, and can show the likely effect of improvements to a dwelling in terms of energy use.</p> <p>NB 'Super Efficient' homes may be specially constructed using the latest technology that actually generate more energy (by wind turbines and ground source heat pumps etc) than they use. Surplus energy being 'sold' back to the energy utility company. These properties are measured out of 120. It is believed that no such properties exist in the Borough of Gosport.</p>
"Statutory Notice"	Is a notice requiring owners/responsible persons to carry out work or some other action with regard to their property. The

	notice is served using the power of a national law and failure to comply may result in prosecution through the courts or works being carried out at the responsible person's expense.
"Substantial Disrepair"	Means repairs to a single property, being required to put it in reasonable repair that will cost over £1,000.
"Tenant"	Means a person occupying property on an assured short term letting basis.
"Vulnerable Household"	A household where at least one member is in receipt of at least one of the principal means tested or disability related benefits.
See Appendix 2 for a more detailed definition.	
"Works in Default"	Means works that the Council organise and possibly carry out as a result of the recipient of a statutory notice failing to comply with its requirements within a reasonable period of time.
"Working Days"	Means days excluding Saturday and Sundays and Bank Holidays.

## APPENDIX 1

### KEY SERVICE STANDARDS 2004/5

ACTIVITY	TARGET
Respond to urgent service requests, such as no hot water in private tenanted home of member of vulnerable group (vis-à-vis aged >60, family with child <5, or Registered Disabled), or severe water penetration in private tenanted home, or complete electrical failure in private tenanted home, or in Houses in Multiple Occupation where the gas/electric/water are cut off.	100% within 1 working day
The proportion of unfit private sector dwellings made fit or demolished as a direct result of action by the local authority	2 % pa
Respond to all requests for private sector housing service	95% within 5 working days 100% within 10 working days
Inspect premises for priority grant aid upon receipt of request, or request the Home Improvement Agency to take on the request	90% within 10 working days 100% within 20 working days
Determine all valid and fully made housing renewal grant applications	95% within 30 working days 100% within 60 working days
Authorise payment of grant monies following the satisfactory completion and inspection of the work and submission of all documentation	100% within 10 working days



## **APPENDIX 2**

### **Definition of a Vulnerable Household**

Vulnerable households have been defined for the purposes of the Decent Homes Standard as a whole as those in which at least one household member is in receipt of at least one of the principal means tested or disability related benefits. These being:

- Income Support.
- Housing Benefit.
- Council Tax Benefit.
- Disabled Persons Tax Credit.
- Income Based Job Seekers Allowance.
- Working Families Tax Credit.
- Attendance Allowance.
- Disability Living Allowance.
- Industrial Injuries Disablement Benefit.
- War Disablement Pension.
- Child Tax Credit.
- Working Tax Credit.
- Pension Credit.

The definition of qualifying benefits used to define 'vulnerable' will be subject to change, for instance; the last three qualifying benefits (above) have been introduced since 2001 and they have different qualifying thresholds.

## **APPENDIX 3**

### **Housing Health and Safety Rating System – the 29 categories of housing hazard and the most vulnerable age groups, as defined by the ODPM**

- 1. Damp and mould growth**  
Health threat from dust mites, mould or fungal growths caused by dampness and/or high humidity.  
**Most vulnerable:** 14 years or less
- 2. Excess cold**  
Health threat from sub-optimal indoor temperatures.  
**Most vulnerable:** 65 years plus
- 3. Excess heat**  
Health threat caused by excessively high indoor temperatures.  
**Most vulnerable:** 65 years plus
- 4. Asbestos and manufactured mineral fibres**  
Health threat from inhalation of microscopic fibres.  
**Most vulnerable:** no specific group
- 5. Biocides**  
Hazards resulting from contact with chemicals used to treat timber and mould growth.  
**Most vulnerable:** no specific group
- 6. Carbon monoxide and fuel combustion products.**  
Hazards resulting from excess levels.  
**Most vulnerable:** CO, 65 years plus. NO<sub>2</sub>, SO<sub>2</sub> and smoke, no specific group.
- 7. Lead**  
Hazards resulting from ingestion.  
**Most vulnerable:** under 3 years
- 8. Radiation**  
Principally health threat from exposure to Radon and its sister gases.  
**Most vulnerable:** all persons aged between 60 and 64 years who have had a lifetime exposure to radon.
- 9. Uncombusted gas**  
Threat of asphyxiation from escaping fuel gas.  
**Most vulnerable:** no specific group
- 10. Volatile organic compounds**  
Health threat from exposure to harmful gasses released from fabrics and paints etc at room temperature.  
**Most vulnerable:** no specific group

- 11. Crowding and space**  
Health hazards linked to lack of space for sleeping and normal household life.  
**Most vulnerable:** no specific group
- 12. Entry by intruders**  
Psychological and actual threat to health and safety from inadequate security against unauthorised entry.  
**Most vulnerable:** no specific group
- 13. Lighting**  
Threats to mental and physical health from poor lighting.  
**Most vulnerable:** no specific group
- 14. Noise**  
Threats to mental and physical health from excessive noise  
**Most vulnerable:** no specific group
- 15. Domestic hygiene, pests and refuse**  
Health hazards due to poor design, construction and disposal of household waste.  
**Most vulnerable:** no specific group
- 16. Food safety**  
Threats of infection from unhygienic conditions  
**Most vulnerable:** no specific group
- 17. Personal hygiene, sanitation and drainage**  
Threats of infection and to mental health from unhygienic conditions.  
**Most vulnerable:** under 5 years
- 18. Water supply for domestic purposes**  
Health threats from polluted water.  
**Most vulnerable:** no specific group
- 19. Falls associated with baths etc**  
Includes injury from falls associated with showers.  
**Most vulnerable:** 60 years plus
- 20. Falls on the level**  
Includes injury from trip steps, thresholds and ramps where the change in level is less than 300mm.  
**Most vulnerable:** 60 years plus
- 21. Falls associated with stairs and steps**  
Includes injury from stairs and steps where the change in level is greater than 300mm.  
**Most vulnerable:** 60 years plus

- 22. Falls between levels**  
Includes injury from falls from windows, balconies and landings.  
**Most vulnerable:** under 5 years
- 23. Electrical hazards**  
Hazards from electric shock and electricity burns.  
**Most vulnerable:** under 5 years
- 24. Fire**  
Threats to health from uncontrolled fires including the effects of smoke.  
**Most vulnerable:** 60 years plus
- 25. Hot surfaces and materials**  
Includes burns and scolds from non-hot water based liquids.  
**Most vulnerable:** under 5 years
- 26. Collision and entrapment**  
Injury from trapping body parts in architectural features, such as windows (**most vulnerable:** under 5 years); and, striking (colliding with) objects that are architectural features such as low ceilings, door openings (**most vulnerable:** 16 years plus).
- 27. Explosions**  
Injury caused from the blast of an explosion.  
**Most vulnerable:** no specific group
- 28. Ergonomics**  
Strains caused by poor design and layout.  
**Most vulnerable:** 60 years plus
- 29. Structural collapse and falling elements**  
Injury from falling objects due to structural failure, inadequate fixings and disrepair.  
**Most vulnerable:** no specific group

## **APPENDIX 4**

### **THE DETAILED DEFINITION OF A DECENT HOME**

1. This section gives detailed definitions of each of the four criteria that make up the decent home standard (DHS).

#### **Criterion A: It meets the current statutory minimum standard for housing**

2. The Housing Health and Safety Rating System (HHSRS), which assesses health and safety hazards in the home and designates them Category 1 or 2 according to their severity, is the statutory minimum standard for housing. A Category 1 hazard triggers a duty on an authority to take appropriate enforcement action and also triggers action in the context of decent homes.

#### **Criterion B: It is in a reasonable state of repair**

3. A dwelling satisfies this criterion unless:
  - One or more key building components are old *and*, because of their condition need replacing or major repair; or
  - Two or more other building components are old *and*, because of their condition need replacing or major repair.

A building component can only fail to satisfy this criterion by being old and requiring replacing or repair. A component cannot fail this criterion based on age alone.

#### **Building Components**

4. Building components are the structural parts of a dwelling (e.g. wall structure, roof structure), other external elements (e.g. roof covering, chimneys) and internal services and amenities (e.g. kitchens, heating systems). Key building components are those that, if in poor condition, could have an immediate impact on the integrity of the building and cause further deterioration in other components. They are the external components plus internal components that have potential safety implications and include:
  - external walls;
  - roof structure and covering;
  - windows/doors;
  - chimneys;
  - central heating boilers;
  - gas fires;
  - storage heaters; and
  - electrics.

5. Lifts are not considered to be a key component unless the lift or the lift shafts have a direct effect upon the integrity of the building.
6. If any of these components are old and need replacing, or require immediate major repair, then the dwelling is not in a reasonable state of repair and remedial action is required.
7. Other building components are those that have a less immediate impact on the integrity of the dwelling. Their combined effect is therefore considered, with a dwelling not in a reasonable state of repair if two or more are old and need replacing or require immediate major repair.

#### Old and in Poor Condition

8. A component is defined as 'old' if it is older than its expected or standard lifetime.
9. Components are in poor condition if they need major work, either full replacement or major repair.
10. One or more key components, or two or more other components, must be both old and in poor condition to render the dwelling non-decent on grounds of disrepair. Components that are old but in good condition or in poor condition but not old would not, in themselves, cause the dwelling to fail the standard.
11. A building component that requires replacing before it reaches its expected lifetime has failed early. Under the terms of the definition, this early failure does not render the dwelling non-decent.
12. The disrepair criterion is set in such a way that it helps plan future investment needs. Owners are more likely to be able to predict component failure after the component has reached a certain age than predicting early failures.
13. Where the disrepair is of a component affecting a block of flats the flats that are classed as non-decent are those directly affected by the disrepair.

#### **Criterion C: It has reasonably modern facilities and services**

14. A dwelling is considered not to meet this criterion if it lacks three or more of the following facilities:
  - a kitchen which is 20 years old or less;
  - a kitchen with adequate space and layout;
  - a bathroom which is 30 years old or less;
  - an appropriately located bathroom and WC;
  - adequate noise insulation; and
  - adequate size and layout of common entrance areas for blocks of flats.
15. The ages used to define the 'modern' kitchen and bathroom are less than those for the disrepair criterion. This is to take account of the modernity of kitchens and bathrooms, as well as their functionality and condition.

16. These standards are used to calculate the national standard and have been measured in the English House Condition Survey (EHCS) for many years. For example, in the EHCS:
- a kitchen failing on adequate space and layout would be one that was too small to contain all the required items (sink, cupboards cooker space, worktops etc) appropriate to the size of the dwelling;
  - an inappropriately located bathroom and WC is one where the main bathroom or WC is located in a bedroom or accessed through a bedroom (unless the bedroom is not used or the dwelling is for a single person). A dwelling would also fail if the main WC is external or located on a different floor to the nearest wash hand basin, or if a WC without a wash hand basin opens on to a kitchen in an inappropriate area, for example next to the food preparation area;
  - inadequate insulation from external airborne noise would be where there are problems with, for example, traffic (rail, road and aeroplanes) or factory noise. Landlords should ensure reasonable insulation from these problems through installation of appropriate acoustic glazing in line with the current Building Regulations; and
  - inadequate size and layout of common entrance areas for blocks of flats would be one with insufficient room to manoeuvre easily for example where there are narrow access ways with awkward corners and turnings, steep staircases, inadequate landings, absence of handrails, low headroom etc.
17. Owners may work to different detailed standards than those set out above. In some instances there may be factors that may make the improvements required to meet the decent homes standards challenging, or impossible, factors such as physical or planning restrictions. Where such limiting factors occur the property should be assessed to determine the most satisfactory course of action in consultation with the relevant body or agency so as to determine the best solution. The outcome may determine that some improvements may be possible even if all are not. A dwelling would not fail this criterion, where it is impossible to make the required improvements to components for planning reasons.

**Criteria D: It provides a reasonable degree of thermal comfort**

18. The revised definition requires a dwelling to have both:
- efficient heating; and
  - effective insulation.
19. Efficient heating is defined as any gas or oil programmable central heating or electric storage heaters or programmable LPG/solid fuel central heating or similarly efficient heating systems that are developed in the future. Heating sources that provide less energy efficient options fail the decent home standard. Programmable heating is where the timing and the temperature of the heating can be controlled by the occupants.

20. Because of the differences in efficiency between gas/oil heating systems and the other heating systems listed, the level of insulation that is appropriate also differs:

- For dwellings with gas/oil programmable heating, cavity wall insulation (if there are cavity walls that can be insulated effectively) or at least 50mm loft insulation (if there is loft space) is an effective package of insulation; and
- For dwellings heated by electric storage heaters/LPG/programmable solid fuel central heating a higher specification of insulation is required: at least 200mm of loft insulation (if there is a loft) and cavity wall insulation (if there are cavity walls that can be insulated effectively).

21. Loft insulation thickness of 50mm is a minimum designed to trigger action on the worst housing. Where insulation is being fitted, owners should take the opportunity to improve the energy efficiency and install insulation to a much greater depth.

(Source: A Decent Home – The definition and guidance for implementation, ODPM, Feb 2004)



## **APPENDIX 5**

### **CONTACT DETAILS**

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