The Regulatory Reform (Housing Assistance) 
(England and Wales) Order 2002

Policy on Housing Assistance
Southend on Sea Borough Council (July 2005)
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As the local housing authority, the Council is under a legal duty to produce a documented policy for helping to improve living conditions in privately owned homes in the Borough. The policy is detailed in this document and it is called ‘housing assistance’ as it aims to assist property owners with works of repair, improvement and adaptation.

The first version of the Council’s housing assistance policy was approved in July 2003. This document contains the second version of the policy which contains amendments agreed in March 2005. The amendments are designed to ensure the successful expenditure of the capital budget allocated for private sector renewal for the financial year 2005/6, and to make certain adjustments to the scope of housing assistance so as to better fit the government’s definition of ‘vulnerable household’ and to deal with non-decent housing in the Borough, amongst other things.

This housing assistance policy is designed to fit into the Council’s overall strategy for housing in the area, and to allow the objectives of that strategy to be fulfilled. In drafting the amended policy the Council has reviewed local housing need in respect of property condition in the light of the recent local survey of the private sector stock carried out in mid-2004 by PPS plc.

The Council has decided that the principal means of assistance to be given to property owners for works to their properties shall continue to be through the award of grant aid, but has taken the opportunity to make available a wider range of loan assistance. There are several types of assistance available aimed at different types of property owner for a range of works. The details of eligibility have been framed so as to target households in most need taking account of anticipated capital funding available, cost of works and the financial circumstances of applicants. The extent of capital provided by the Council in 2005/06 for the provision of housing assistance has been significantly increased and is specifically outlined later in the policy.

Apart from grant/loan assistance the Council will be involved in providing other services to ensure the improvement of local properties such as the provision of appropriate advice and the enforcement of works, where appropriate. The Council will continue to develop the scope of loans as another potential form of assistance in the longer term as loans offer the potential of recycled capital. In 2005 a new local Home Improvement Agency will be launched to support the work the Council is already actively engaged in to improve local housing conditions through repairs, improvements and adaptations. It is anticipated that the new Agency will allow the opportunity to expand the range of assistance options available to local residents to include levering-in other sources of capital funding.
Finally, the amended policy has been drawn together taking into account the implications of the recent Housing Act 2004, the current Best Value Review of Community Housing and the impending re-organisation of housing services within the Council taking place this year.

This revised policy begins by outlining the role of the Council in dealing with private homes, and describes the process involved in householders accessing housing assistance together with other supporting information on all of the different types of help the Council is making available to improve living conditions in the Borough.

_Councillor Mrs. G. Horrigan_
Portfolio Holder - Housing
Southend Borough Council
March 2005
In July 2003, the Government introduced legislation which significantly affected the way in which Southend Borough Council (“the Council”) provides assistance in order to improve living conditions for those who either occupy or own privately owned houses and flats within the Borough of Southend on Sea.

The legislation came into full effect on 18th July 2003, and as a result, the previous system of renewal grants (sometimes referred to as ‘improvement grants’ or simply ‘grants’) was replaced. In its place the Council from that date established a new scheme of financial assistance and published details as required by law in a printed policy document.

The name of the new policy regime is ‘Housing Assistance’ because it is intended mainly to assist those who cannot provide the necessary finance, and/or make arrangements to carry out such works themselves. The Policy broadly aims to help with works of improvement, repair and adaptation.

In March 2005 the Council considered and approved various amendments to the original Housing Assistance Policy. These changes are included in this document as a second policy revision.

The changes to policy are principally designed to allow the successful expenditure of an increased capital budget for private sector renewal for 2005/06. However, the opportunity has also been taken to incorporate other changes which take account of the government’s continuing focus on tackling non-decent private sector housing, and the findings of a recent local house condition survey which provided up-to-date information on current property conditions and therefore local needs. In any event, a requirement of the relevant background legislation is that the policy is periodically reviewed and the 2005 review satisfies that requirement.

This policy document also sets out to explain the role of the Council in dealing with:

- the privately-owned housing sector generally
- the need for assisting private owners with works to their properties
- the priorities which stem from those needs, and
- the various ways in which the Council plans to help over the next 12 months

The amended policy must naturally take account of national housing priorities and policies decided by central government, and also the Council’s existing local Housing Strategy. The role of the Council with regard to private housing is quite extensive and is explained more fully in the next section of this document.

The Government requires the Council to include in this document a lot of detail in
order that the Council’s approach in improving private sector property conditions is clear and transparent to the public whom it serves. A full index can be found earlier at page 1 for your information and direction in finding your way around this policy document.

A shorter version of this document has been produced as a summary leaflet, which sets out the main types of housing assistance grants/loans currently available from the Council. A copy may be obtained from the Technical and Environmental Services Department of the Council at the address shown at Appendix 3 or by telephoning Southend (01702) 215804.

In addition a full version of this document, and the summary leaflet, can be found on the Council’s website at www.southend.gov.uk by following the signs to Private Sector Housing via Environmental Services. These versions of the document can be read on the website, downloaded in PDF format to another computer, for example at home, or can be printed off for your personal use and reference.
2. THE COUNCIL’S HOUSING RESPONSIBILITIES

It is often thought that private properties are a private responsibility and generally speaking that is the case. However, the local Council has been given a wide range of duties and powers by central government enabling it, in appropriate circumstances, to become involved with the private housing sector as what is termed a ‘local housing authority’. These duties and powers are set out in a summary form below.

Fuller details can be found in the relevant legislation, principally the Housing Acts 1985 and 2004, the Environmental Protection Act 1990, the Home Energy Conservation Act 1995, and the Housing Grants, Construction & Regeneration Act 1996. Links to appropriate government websites that give more information about housing policy and powers of local councils can be found on the Council’s website under ‘private sector housing’ at the address shown in Section 1 above.

1. The Council has a legal duty to consider at least once a year, the general condition of all the housing within its area. This includes Council owned properties.

Council owned housing is the responsibility of the Community Services Department of the Council and is not dealt with at all by this policy document. Privately owned housing is presently dealt with by the Technical and Environmental Services Department of the Council. This is based at The Civic Centre, Victoria Avenue, Southend-on-Sea. Relevant contact details for this department and others which deal with works to privately owned property can be found in Appendix 3 of this document.

2. The Council has a duty to deal with properties which do not meet a legal minimum standard of property condition. This standard is known as ‘fitness for human habitation’. It covers a wide range of matters (listed in Appendix 12) which can affect the occupiers’ health, safety and welfare.

3. Other duties are to deal with:
   - Properties which are causing a nuisance to the occupier or neighbours
   - Properties which are overcrowded in relation to the available space or rooms available.
   - Properties which are overcrowded in relation to the available facilities
   - Fire standards in larger houses in multiple occupation (HMOs), bedsits, and similar.

4. The Council is responsible for matters relating to conserving energy consumption in all houses and flats in the area (both Council and privately
owned housing). This mainly involves the promotion of insulation works and the fitting of efficient heating.

5. The Council has a responsibility to award grants to householders with disabled family members where essential adaptations are needed to properties in order to assist with daily living. This type of grant is in place now and will largely be unaffected by the new law on housing assistance, although some adaptation works will be funded, from now on, from housing assistance.

The Council carries out its range of responsibilities in 2 main ways:

- **Responding to requests** for assistance from householders.
- **Actively looking** for properties in disrepair in a planned way.

The action taken by the Council to improve private housing must be based on current legal powers, and take account of current government advice and emphasis.

To help the Council *improve, repair and adapt* properties in the Borough, each year the government gives the Council money towards the cost of such works. The amount of money the Council has made available to assist with the improvement of private property in the Borough for 2005-2006 is set out in Section 16 of this document.
Housing Stock Profile
In Southend on Sea, the large majority of the housing stock is **privately owned**.

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<th>Ownership Type</th>
<th>Number of Properties</th>
<th>Percentage</th>
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<td>Council owned</td>
<td>6,295 properties</td>
<td>8.2%</td>
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<tr>
<td>Other public sector</td>
<td>48 properties</td>
<td>&lt;0.1%</td>
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<tr>
<td>Housing Association</td>
<td>4,403 properties</td>
<td>5.7%</td>
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<td><strong>Private housing</strong></td>
<td><strong>67,813 properties</strong></td>
<td><strong>88.5%</strong></td>
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<td><strong>Total number</strong></td>
<td><strong>76,559 properties</strong></td>
<td><strong>100%</strong></td>
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Private housing (67,813 dwellings) is occupied in different ways\(^1\). The largest proportion (around 56,000 homes) is **owner-occupied** (freehold or leasehold) i.e. householders who own the properties they live in, either outright or with a mortgage. And a lesser proportion (13.4%) is **privately rented** — although this equates to a large number of tenanted properties (around 10,000) that in themselves form a relatively high proportion of all private properties, compared to neighbouring Council areas. In the private rented sector about 150 properties are let as **houses in multiple occupation** (HMOs) as either bedsits, or bed & breakfast guest houses accommodating those with no other homes.

Approximately 1,200 private properties are currently **vacant homes** — the majority of these are temporarily empty due to turnover of sale as a natural feature of the local housing market. But about 400 are empty homes which have been vacant for more than 5 years\(^3\). This latter group of empty homes can cause problems of nuisance etc. through being in very poor physical condition.

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1. Source: Housing Investment Programme return at 1st April 2004
2. Often referred to as ‘types of tenure’.
The state of repair of private housing is closely related to its **age of construction**, as property condition deteriorates over time and also depends significantly on the degree of maintenance and repair carried out by the owner. The following chart illustrates the age of construction of private dwellings in the Borough:

A significant number of private dwellings are older than 50 years which is the typical expected life span of some of the key building components⁴, such as for example, roofs. About 43,000 properties in Southend are more than 50 years old.

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⁴ The age and expected life of key building components (‘lifetimes’) combined with their repair condition form an essential part of the criteria of judgement in the Government’s new ‘decent homes’ standard.
The Council gathers information about the condition of the private housing stock in the area in a number of different ways.

The Council takes account of the type of requests for assistance it receives from property owners when monitoring trends in housing conditions i.e. the type of repairs. It also takes note of the types of complaints it receives from tenants in private rented properties about disrepair and similar matters.

The condition of property is looked at more directly by Council officers travelling around the Borough on a daily basis when inspecting individual properties, and in observations of the general conditions in the roads and neighbourhoods they visit. Over time this builds into a reasonable picture of the worst condition properties, as these are the ones drawn most commonly to the Council’s attention.

In addition to these ways of collecting information about property conditions, the Council arranges a large survey of a sample of local private properties about every 5 years. These local house condition surveys involve the inspection of at least 1,000 private houses and flats selected on a random basis across the whole Borough. The property surveys themselves involve inspections of individual properties and include looking in detail at overall property condition (disrepair), amenities (e.g. baths, kitchens, WCs etc) and other matters such as loft insulation, the type of heating systems and so on.

The results of these local house condition surveys enable the Council to draw robust conclusions about the state of the overall private housing stock. The Council can also look at the changes in property conditions over time (trends) by comparing the results from different surveys. The survey results allow the Council to estimate what sort of works are needed to private housing at any particular point in time, and to estimate the extent of work and the overall cost to bring every property to the minimum standard of fitness (outlined earlier).

The last local house condition survey by the Council was carried out in the spring/summer of 2004, with the next survey due in 2009. A summary of the survey findings is included in this document at Appendix 18.

Another source of information on private sector housing is the National Census, last carried out in 2002 (on a 10 year cycle). The Census can give information on the level of standard amenities in private dwellings (baths, WCs etc) and the degree of sharing of such facilities. It also can give some indication of the level of overcrowding of accommodation based on the number of persons in a household set against the rooms available. The data from the 2002 Census is now available to the Council.
Lastly, the Council actively gathers information on the level of insulation and the type of heating systems in private dwellings as part of its legal duties as a designated Home Energy Conservation Authority (HECA). Poorly insulated properties cost more to heat adequately, and inefficient heating systems cost more to run. If both of these factors are present in properties, then this can lead to difficulties for some householders maintaining a reasonable level of warmth in the colder winter months. Cold homes can have a significant impact on the health of vulnerable households.

5 Local Councils were made Energy Conservation Authorities by the Home Energy Conservation Act 1995.
6 Often referred to as ‘affordable warmth’ or ‘fuel poverty’.
7 ‘Vulnerable households’ are defined by government as those households with elderly, disabled or young children on limited financial incomes.
5. LOCAL HOUSE CONDITION SURVEY FINDINGS

From the 2004 local house condition survey the Council found that 5% of properties in Southend were **unfit for human habitation**. This is equivalent to about 3,400 homes. It represents a significant level of unfitness – the national average for the level of unfit private properties is 4%. Southend therefore had a level of unfit private homes above the national average. The main reasons for this were considered to be the relatively high level of older property, a high level of privately rented properties, combined with large numbers of households of limited financial means, and inadequate levels of capital investment in the maintenance, repair and improvement of private homes over time.

Unfitness was shown as highest in properties built before 1919 i.e. older properties where the fabric of the property had deteriorated over time. Most properties were unfit because of disrepair, problems with ventilation (windows) or amenity provision including adequate kitchen preparation. Unfit properties were found more commonly in privately rented properties occupied by tenants. They were also more likely to be occupied by heads of household who were older or younger. With younger households the association was with private rented accommodation, and with older households the association was usually with an inability to carry out repairs. Looking at unfitness by building type, converted flats in particular had the highest proportion of unfitness.

The total bill for remedying all aspects of unfitness in Southend was estimated to be **about £42 million**. The average cost of remedying each unfit property was estimated at £3,910.

The survey found other properties that whilst fit for habitation nevertheless needed significant repairs. The average cost for these repair works was estimated at £7,500 per property, with a total additional repair bill of about **£85 million** across the private sector.

The total investment needed in private housing in 1997 was estimated to be **£80 million** overall if every property was to be made fit for habitation and brought into reasonable repair.

The 2004 survey also looked at the level of loft insulation in private homes. Three out of ten homes had insufficient loft insulation. This equated to 23,000 private homes, a significant number.

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8 See Appendix 12 for a summary of the current standard of fitness for human habitation as provided by the Housing Act 1985
9 From the 2001 English House Conditions Survey findings (ODPM).
10 Note these are 2004 prices.
The key priorities for the Council in dealing with private sector housing conditions are reflected primarily in the legal duties and responsibilities given to the Council as the local housing authority by central government as influenced by local need and demand. The Council’s role as a housing authority was outlined earlier.

Clearly, the worst local housing conditions in any local authority area need dealing with first, and this principle is reflected in those **duties** of the Council which are mandatory in law i.e. the duties that the Council must carry out, and over which it has no discretion. An example of this is the duty to deal with homes that are unfit for human habitation11. Unfit homes, by definition, need tackling as a high priority. A full list of mandatory duties of the Council can be found at **Appendix 15**.

Apart from these mandatory duties, the Council has a range of **powers** in law that are discretionary in nature. That is, the Council has a choice as to whether to exercise them. These discretionary powers are useful in tackling poor housing conditions as they give a wider range of tools that can be applied. For example, the power to serve statutory notices on landlords requiring works to be carried out where rented properties are found to be in substantial disrepair. A full list of these discretionary powers of the Council can be found at **Appendix 16**.

The Council can and does selectively use it’s discretionary powers to tackle housing conditions that are considered to be a local priority. For example, to prevent a dwelling in substantial disrepair from deteriorating into an unfit condition.

Priorities in terms of housing conditions, are predominantly determined by the effect the condition of the property has upon the **health, safety or welfare** of the occupants of that property. This principle forms the main basis of the government’s new **health and safety rating system** for housing accommodation contained in the Housing Act 2004 and likely to commence as the new legal standard12 for property condition in late 2005.

11 Section 604 of the Housing Act 1985
12 The health & safety rating system will completely replace the current standard of fitness for habitation.
Often the impact of defects increases over time with deterioration of the fabric of a property. For example, rain penetration caused by missing roof slates causing damp patches to an old lathe and plaster ceiling will eventually lead to the collapse of that ceiling over time creating a risk to the safety of the occupier as well as a hazard to health through dampness.

Not all priorities are related to property disrepair condition. Sometimes, the standard of original construction or the provision of amenities (such as the bath or WC) is poor and/or inadequate. Occasionally, the priority arises due to overcrowding.

Where there are poor conditions in privately owned property, the responsibility for repairs, upkeep and maintenance usually rests with the property owner. This may be the occupier of the property or it may be someone living elsewhere. Many property owners are able to arrange for the repair or improvement to be carried out without involving the Council. However, other owners may not be in a position to do this for a number of reasons. They may lack the necessary knowledge to remedy the problem; they may not know who to turn for advice or to have the work carried out. Commonly, they show a lack of trust in builders. Very often the reason they do not proceed with the essential repairs and maintenance is lack of money. There may be a combination of such factors.

Where property owners genuinely cannot arrange for themselves the necessary repair or improvement works the Council can have an important role to play in assisting the property owner. At the very least it can assist by giving advice. It may be able to offer financial housing assistance. In extreme cases, the Council may need to intervene in the best interests of the occupier or the neighbourhood in general, for example by taking enforcement action to have the necessary works carried out. (See section 17 for further information on Enforcement Tools used by the Council).

It is important for the Council to develop an understanding of the barriers which prevent private properties being repaired in order to overcome them.

The Council has taken careful account of all these factors and different types of local priorities in deciding what its overall aims will be for housing policy for private properties. In addition, the Council is obliged to take into consideration the government’s national housing policy objectives.
7. AIMS AND OBJECTIVES FOR PRIVATE SECTOR HOUSING

The Council’s aims and objectives to tackle a range of private sector housing issues are set out in its **Housing Strategy Statement**\(^{13}\). This document is published each year following local consultation as part of an annual process of review and updating. At the same time, the Council puts together an estimate of how much money it considers it needs to spend on housing for the following year to achieve the objectives set.

One of the Council’s Corporate Ambitions is:

“To maintain and improve health and well-being and provide better life chances for vulnerable people.”

This ambition provides the strategic focus to delivering all aspects of the Council’s Housing Strategy. There are well-established links between housing and health, particularly for vulnerable households who commonly are found occupying the poorest condition homes.

One of the Council’s key strategic objectives for housing in helping meet this ambition is “**Improving the quality and making the best use of existing housing (i.e. the Council’s own stock and private sector housing) in meeting the Decent Homes standard**”.

**‘Decent Housing’** refers to the Government’s new standard for residential dwellings\(^{14}\). This is a higher standard for homes than the legal minimum standard of fitness for human habitation. It comprises the following 4 main elements.

- Be fit for human habitation
- Be in reasonable repair
- Have modern facilities
- Have adequate thermal insulation

The government has developed national targets to reduce the number of non-decent private sector properties on an annual basis.

The Council’s **Housing Strategy Statement** sets out a number of priorities for housing generally under the main aim outlined above. The listed priority relating to the private housing sector is, as follows:

**“Raising standards in private sector housing”**

“Standards” refers to a defined range of matters affecting living conditions in private homes including fitness for human habitation, disrepair, statutory nuisance, overcrowding, multiple occupation, empty homes and energy efficiency. Some of these issues have been mentioned already in this document, but others are explained in more detail below.

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14 For further information on the Decent Homes Standard see Appendix 19.
8. RAISING STANDARDS IN PRIVATE SECTOR HOUSING

Standards in private homes can be raised using a variety of means. These include the following:

- Offering advice
- Giving information
- Encouraging DIY home maintenance and repair
- Giving financial assistance (e.g. grants or loans)
- Providing professional, technical and administrative assistance
- Enforcement of works (e.g. through the service of legal notices)

The government encourage local Councils to form partnerships with other organisations and agencies in order to offer this range of services. The Council cannot facilitate all the necessary works in private homes on its own, as its resources are limited compared to the scale of the issues that need addressing, and so it recognises the need to involve others.

Not least of these partners are the owners of private homes themselves and the local community at large.

The Council’s Housing Strategy document also sets out an Action Plan setting out how it intends to take forward its housing objectives over the next year or so, in raising standards in the private sector.

The future actions include the following:

**The Action Plan - Delivering the Strategy**

- Establish a home improvement agency
- Enable targeting of long-term empty homes
- Increase housing resource for implementation of Empty Homes Strategy
- Renovate/improve all unfit dwellings to the current standard of fitness for human habitation
- Review new housing assistance powers annually
- Translate findings of 2004 house condition survey into housing assistance priorities
- Continue development of policies, procedures and protocols for disabled adaptations to maximise uptake
- Develop closer partnership working with the local Primary Care Trust and other health practitioners on fuel poverty (affordable warmth)
- Widen collection of energy conservation data through partnerships
- Review data collected on installed energy conservation measures to facilitate summary reports

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16 A home improvement agency (HIA) is an independent agency that helps home owners to arrange repairs, improvements and adaptations to private homes and gives general housing advice at the same time.
17 A government priority is to reduce the number of long-term empty properties nationally by bringing them back into occupation.
The new housing assistance regime gave the Council the opportunity to review the range of tools it could use to help improve private housing conditions. Housing assistance allows greater flexibility in the provision of the range of services highlighted above.

To develop its policy on housing assistance the Council consulted with various parties who have an interest in private house conditions. The consultations held were designed to allow the expression of views regarding:

- Local house conditions
- Needs of owners and occupiers
- Factors inhibiting repairs and improvements
- Options for types of housing assistance (e.g. grants and/or loans)
- Likely take up of different forms of assistance

The consultation process also allowed the Council to explain its role as a housing authority with regard to private homes (see Section 2 above), and to outline the legal powers involved with the housing assistance regime. The feedback received from this consultation process is summarised in Appendix 13 attached. In considering the first review of the housing assistance policy regard has been made to the outcomes of the consultation exercises carried out as part of the Best Value Review of Community Housing. This included feedback from past service users and staff.

The Council has carefully considered what types of housing assistance can be made available from April 2005. In determining the way forward for the revised policy the Council has had due regard to local housing priorities, established housing strategy objectives, the consultation responses received, the range of options available, and to the practicability in implementation of any extended form of assistance within the financial year.

9. USE AND APPLICATION OF HOUSING ASSISTANCE

The amendments to policy are designed to address those activities on private sector housing renewal that can be processed and completed by 31st March 2006.
The Council has concluded that it would only be appropriate to introduce housing assistance loans on a limited basis at this time. However, the Council will continue to examine the possibility of extending loan assistance over time with a view to developing suitable loan products where there are gaps in the existing loan market. The main issues involved with offering loan assistance are discussed in outline in Section 13 below.

The Council is keen to ensure that housing assistance continues to be made available to local home owners in need. That form of assistance will mainly be by means of housing assistance grants. Further details on the type of grant to be made available are set out in Section 12 below. The award of grant aid will allow the Council to utilise the capital funding available for housing renewal in the financial year 2005/6 (see Section 16 below for details of the amount of capital resources to be made available). It will also ensure continuation of capital investment on repairs and improvements to private homes in the Borough in the context of the significant need outlined earlier whilst other forms of housing assistance like loans are developed.
10. ACCESSING HOUSING ASSISTANCE

Housing assistance will be accessed through the Council via the Environmental Health Service of the Technical & Environmental Services Department which is based at the Civic Centre. The Department can be contacted by phone, or by post, or in person at the Civic Centre, and via the Council’s own website using the e-mail facility provided. Full contact details are set out at Appendix 3 for each of these means of access. The Council website also contains a copy of this policy document, a summary of this document, and specific information regarding each of the types of housing assistance grant to be made available. The site holds information on a range of other housing issues, including enforcement. Any of these documents can be downloaded by visitors to the site and saved or printed.

All applications and queries regarding housing assistance will be dealt with by means of an initial enquiry process. An outline of the process can be found in the form of a flow diagram at Appendix 4. The enquiry process is designed to allow applications for assistance to be filtered according to the appropriate eligibility criteria set out below for each of the different types of housing assistance grants on offer. All enquirers are to be given appropriate advice as to the types of assistance potentially available and the process of accessing it. Enquiry forms can be found on the Council’s website, together with other relevant advice designed to help home owners apply for assistance. Applicants will be advised at various stages of the process as to the progression of their enquiry. All eligible enquiries will be prioritised according to a points system weighted according to various criteria designed to allow the processing of more urgent enquiries more speedily (a copy of the criteria and associated points allocated can be found at Appendix 5). Enquiries will then be put on a holding list in order of priority, as necessary, until an inspection of the property concerned can be undertaken. Applicants will periodically be advised of their position on the waiting list, and the anticipated waiting time for inspection.

The Council will confirm potential eligibility for housing assistance in each case by a property inspection, and issue a schedule of relevant works needed to property owners.
The newly established **Home Improvement Agency**\(^\text{19}\) for Southend working in partnership with the Council on private sector housing renewal may be invited to undertake some of the process stages of housing assistance itself, subject to local agreement. The Agency will also be able to make direct referrals for clients to the Council for assistance, as appropriate. Part of the Agency’s role will be to act as advocates for vulnerable clients helping them in arranging works to their homes. This may include engaging appropriate contractors and supervising works through to completion as part of the housing assistance process, or independently.

Formal applications for housing assistance will be invited normally only after an inspection of the property concerned for eligibility. Applications must be made on the forms provided by the Council for the purpose. These forms will be specific to the type of assistance being sought. Applicants must provide at least 2 competitive estimates for the relevant works, together with any other supporting documentation, at the time of application. **The application process** is outlined at Appendix 6 in the form of a flow diagram.

All applications will be decided in accordance with the process outlined, and subject to the availability of appropriate funding. It should be remembered that all applications for housing assistance of whatever type are discretionary by nature, and the Council has the right to refuse assistance as it sees fit on the merits of each application, having regard to the policy outlined in this document, and of course to the amount of capital funding available in the relevant financial year.

Arrangements are in place for consideration of **exceptions** to normal policy in respect of applications for assistance, and also for **appeals** against the Council’s decision on any individual application. These can be found in **Section 20** below.

The Council has the power to attach **conditions** as it considers appropriate to the approval of housing assistance grants. These conditions are summarised against each type of grant outlined below, but conditions may be varied from time to time as the need arises. All applicants will be advised of any conditions attached to any award of housing assistance both in advance, and at the date of formal approval in writing.

In addition, all applicants will be advised by letter of any personal financial contribution they may have to make towards the cost of the relevant works to their property including any ineligible work, if any. The Council will **not** normally provide financial advice to applicants for housing assistance as it does not have the relevant expertise; rather applicants will be advised to consult an independent financial advisor where that may be appropriate. The local Home Improvement Agency, however, may be able to help applicants find appropriate financial advice and/or other sources of financial assistance.

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\(^{19}\) The new home improvement agency is operated by Anchor Housing Association under contract to the Council and aims primarily to help mainly elderly householders (55 years and above) with repairs, improvement and adaptations. Other ancillary services may also be made available over time.
11. HOUSING ASSISTANCE GRANTS

From April 2005 the following types of housing assistance grants will be available:

<table>
<thead>
<tr>
<th>Grant Type</th>
<th>Target Applicants</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Home Repairs Assistance</td>
<td>Owner-occupiers</td>
</tr>
<tr>
<td>2 Empty Homes Assistance</td>
<td>Future landlords</td>
</tr>
<tr>
<td>3 HMO Assistance</td>
<td>Landlords of Houses in Multiple Occupation</td>
</tr>
<tr>
<td>4 Landlord Assistance</td>
<td>Landlords of self-contained dwellings with older regulated tenancies</td>
</tr>
<tr>
<td>5 Disabled Facilities Assistance</td>
<td>Households with disabled member</td>
</tr>
<tr>
<td>6 Solar Heating Assistance</td>
<td>Owner-occupiers or landlords</td>
</tr>
</tbody>
</table>

Further information concerning each of these types of grant assistance is set out in some detail immediately below. For each type of assistance details are given on the general scope of the grant, the category of eligible applicants, the eligible property, eligible works, the amount of grant assistance available, and any relevant conditions attached to the award of assistance. Further information regarding grant assistance can be obtained, if required, by telephoning the Grants Support Service on Southend (01702) 215815 or by writing to the contact address given at Appendix 3 for the Technical & Environmental Services Department.

HOME REPAIRS ASSISTANCE

Scope

Home Repairs Assistance is available for works of repair and improvement to dwellings across the Borough, owned or tenanted by an applicant in receipt of certain benefits.

Eligible Applicants

Home Repairs Assistance will only be given to an applicant who:

a) Is aged 18 or over on the date of application, and
b) Is wholly or mainly resident in the dwelling, and
c) Has an owner's interest in the dwelling, or is a tenant of the dwelling (alone or jointly with others), and
d) Has a duty or power to carry out the works in questions, and
e) Either he, or his partner is in receipt of:
   1. Income Support or Income Based Jobseekers' Allowance
   2. Working Tax Credit
   3. Housing Benefit
   4. Council Tax Benefit
   5. Disabled Person's Tax Credit (formerly known as Disability Working Allowance), and
f) Has occupied the dwelling for at least 1 year, unless the dwelling has been vacant for 3 years or more.

Eligible Property

Home Repair Assistance will not be available to dwellings newly constructed within the last 10 years, or for works which should have been subject to Building Regulations within that period, or that have not got relevant planning consent.

Eligible Works

- Specific repairs or improvement works, where these form incremental elements needed to make a dwelling fit for habitation, or where needed to remedy a 'serious hazard' under the new health & safety rating system\(^20\).
- Works needed to improve conditions that are prejudicial to the health of the occupant[s], or are likely to become so with a reasonable period
  - Works needed to improve conditions which seriously affect the continuing use or occupancy of a dwelling
  - Works of lead pipe replacement where there is substantiated concern over lead levels in the drinking water supply
  - Works to improve energy efficiency either where directly associated with other repairs or stand alone works towards the Energy Efficiency Standard\(^21\), as appropriate, but only for applicants not eligible under the Warm Front\(^22\) grant scheme.
  - Smoke alarms for the elderly – one per floor [10 year battery life model] to be required in every eligible case where main works are to be completed by a non-specialist contractor.
  - Smoke alarms for any household which includes a child less than 10 years of age where other works are to be completed by a specialist electrician
  - Other essential repairs and/or improvements necessary to enable a dwelling to meet the decent homes standard, as determined from time to time by the Team Manager, Private Sector Housing.

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\(^20\) The 'health and safety rating system' is a new statistical system of assessing property conditions introduced by the Housing Act 2004 but not likely to be actually introduced until late 2005. Serious hazards are those that score over 1,000 under the new system of assessment of risk taking account of the probability of occurrence and the likely harm arising.

\(^21\) The Energy Efficiency Standard is a local minimum standard for the provision of energy conservation works in dwellings, developed by the Council for grant purposes e.g. minimum depth of loft insulation as outlined in Appendix 20.

\(^22\) ‘Warm Front’ is the name of the government’s own grant scheme offering energy conservation measures to certain households in receipt of specific state benefits administered by Powergen under contract.
**Amount of Assistance**

The total value of grants or other assistance given on any one application will not exceed £7,000 excluding eligible ancillary fees (also grant aided) where a dwelling is not unfit or is not judged to include a ‘serious hazard’. This maximum rises to £12,000 where a dwelling is unfit for habitation or has one or more ‘serious hazards’ or where other repairs / improvements are necessary to meet the decent homes standard as determined by the Team Manager. Exceptionally, where the cost of relevant works exceeds the maximum grant for an unfit dwelling by more than £1,000 an interest free loan will be available for works above that limit which is repayable on sale/transfer of the property or on a breach of grant conditions, whichever occurs earlier.

There shall be a minimum period of 3 months between successive applications, subject to a prioritised waiting list although in exceptional circumstances a shorter period may be permitted.

**Grant Conditions**

One or more of the following certificates must be provided with a grant application, dependent upon the type of applicant:

- **Owner Occupation Certificate** stating the owner has or proposes to acquire an owner's interest and that the applicant or the applicant’s family intend to live in the dwelling throughout the grant condition period of 5 years as their only or main residence from the certified date of completion of works.

- **Tenants Certificate** stating that the applicant is a qualifying tenant (i.e. is required to carry out the relevant works by the terms of the tenancy), and that the applicant or the applicant’s family intend to live in the dwelling as their only or main residence for 3 years from the certified date of completion of works.

Owner occupation conditions will be monitored to ensure compliance where the cost of grant awarded (excluding fees) exceeds £7,000 when a repayment condition will then apply. A repayment condition will apply to any loan given above the relevant grant maximum which will be secured as a financial charge at the Land Registry with the fee eligible for grant aid.

Other general conditions will apply as set out in Appendix 7.
EMPTY HOMES ASSISTANCE

Scope

An Empty Homes Assistance Grant is payable for a wide variety of works to long-term empty residential homes [houses or flats]. However, grant aid will be principally for works required by the Council to make such a property fit for habitation, or otherwise habitable including through the remedying of any ‘serious hazards’ identified.

Grant can be given for other items, but the extent of eligible works and overall grant to be paid will depend on all the circumstances surrounding individual properties. Some premises, for example, may need very little works to be done to bring to a lettable standard. Some owners will be able to afford greater capital contributions themselves, than others.

Eligible Applicants

Owners (potential landlords or owner-occupiers) with at least 1 year’s continuous prior ownership.

Eligible Property

Current empty properties which have been vacant for more than 3 years. Excludes dwellings newly constructed within the last 10 years, or that have not got relevant planning consent, or works which should have been subject to Building Regulations within that same period

Eligible Works

Works may be grant aided on a discretionary basis where the relevant works are for any of the following purposes:-

- To make a dwelling fit for habitation.
- To bring a dwelling to reasonable repair, beyond basic fitness
- To remedy one or more ‘serious hazards’.
- To meet the Council’s energy efficiency standard.

Amount of Assistance

Assistance will be a mix of cash grant of £3,000 maximum for relevant eligible works (excluding fees which will be grant eligible) with a top-up by way of loan funding for any balance of eligible work provided the difference is above £1,000 in value. Loans will be zero interest and repayable on breach of grant condition or on the sale of a property whichever occurs earliest. The grant element will be increased to £8,000 where a nomination condition\(^{23}\) has been accepted by the applicant and applied.

Above these maximum limits, 100% grant aid will be paid for works that contribute to the Council’s energy efficiency standard where needed.

Grant Conditions

One or more of the following certificates must be provided with a grant application, dependent upon the type of applicant:

- **Owner Occupation Certificate** stating the owner has an owner’s interest and

\(^{23}\) The nomination condition will require that the grant applicant accept occupancy for the grant condition period by a tenant nominated by the Council from the housing waiting list, or a relevant housing association waiting list, at the Council’s discretion.
that the applicant or the applicant's family intend to live in the dwelling throughout the grant condition period of 5 years as their only or main residence from the certified date of the completion of works.

- **Certificate of Intended Letting** stating that the applicant has a qualifying owner's interest, and that the dwelling will be let or available for letting for not less than 5 years beginning from the certified date of completion of relevant works.

A **nomination condition** may be applied at the discretion of the Council to any empty homes grants awarded. Such a condition will automatically apply to grants awarded above the minimum amount stated above.

Loan funding will attract a **repayment condition** which applies on sale/transfer or on a breach of occupancy condition, whichever occurs earliest requiring full repayment of the loan amount. No interest will be applied.

Occupancy conditions will be monitored to ensure compliance. Loans will be secured as a financial charge at the Land Registry with the fee eligible for grant aid.

Other general conditions will also apply as set out in Appendix 7.

**LANDLORD ASSISTANCE**

**Scope**

A **Landlord Assistance Grant** is payable to landlords of certain older-style regulated tenancies for works of repair and improvement to self-contained dwellings in recognition that restricted rental incomes limit the opportunities for investment in such capital works.

**Eligible Applicants**

Current landlords of rented dwellings occupied by tenants on older-style regulated tenancies, where rents are restricted by the Rent Officer.

**Eligible Property**

Tenanted houses or flats which fail the government’s ‘decent homes’ standard or which are judged to have one or more ‘serious hazards’. Excludes dwellings that have not got relevant planning consent, or works which should have been subject to Building Regulations within the last 10 years.

**Eligible Works**

Works may be grant aided on a discretionary basis where the relevant works are for any of the following purposes:-

- To bring a dwelling to the standard of fitness for human habitation.
- To bring the dwelling to a standard of reasonable repair, beyond basic fitness.
- To work towards the Council’s energy efficiency standard.
- To remedy one or more ‘serious hazards’.

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19 Consent means formal town planning approval or accepted use within the meaning of the Council's adopted corporate enforcement policy for HMOs.
**Amount of Assistance**

Grant will be paid to a minimum of 40% of relevant works, to a maximum grant of £15,000 where the dwelling concerned is a house, and £10,000 where a flat. Loan funding is available for the balance of funding provided it exceeds £1,000 in value. Loans will be zero interest and repayable on sale/transfer or breach of grant conditions whichever occurs earliest.

Within these maximum limits, 100% grant rate will be paid towards works that contribute to the Council's energy efficiency standard.

**Grant Conditions**

The following certificates must be provided with a landlord grant application:

- **Certificate of Intended Letting** stating that the landlord has a qualifying owner's interest, and that the dwelling will be let or available for letting for not less than 5 years beginning with the certified date of completion of relevant works.

Grant occupation conditions will be monitored to ensure compliance. A repayment condition will apply where a loan is made available which will be secured as a financial charge at the Land Registry, with the fee eligible for grant aid.

Other general conditions will also apply as set out in Appendix 7.

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**HMO ASSISTANCE**

**Scope**

An HMO Assistance Grant is payable to landlords of houses in multiple occupation (HMOs) for the first time provision or upgrading of fire precaution works to current standards, and for energy efficiency works.

**Eligible Applicants**

Landlords of existing HMO premises; where such HMO premises are licensable

- no grant shall be awarded unless a current licence has been applied for and granted by the Council.

**Eligible Property**

Existing HMO premises with appropriate planning consent

- bed & breakfast guest houses will be ineligible for grant aid.

**Eligible Works**

Works may be grant aided on a discretionary basis where the relevant works are for any of the following purposes:

- To upgrade existing means of escape works in event of fire to current standards.

- The first time provision of means of escape works in event of fire to current standards

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24 Licensable means requiring a mandatory or discretionary HMO licence from the Council under the relevant provisions of the Housing Act 2004; it is anticipated such provisions will not commence until late 2005.

25 Consent means formal town planning approval or accepted use within the meaning of the Council's adopted corporate enforcement policy for HMOs.
- Works to the Council’s energy efficiency standard.

**Amount of Assistance**

Grant will be paid to a minimum of 40% of relevant works. No maximum amount applies.

In addition, 100% grant aid will be paid towards works that contribute to the Council’s energy efficiency standard. Above any grant paid, loan funding will be payable for the balance of costs of eligible work provided it exceeds £1,000. Loans will be zero interest by repayable on sale/transfer or breach of grant conditions whichever occurs earliest.

**Grant Conditions**

The following certificates must be provided with a grant application:

- **Certificate of Intended Letting** stating that the landlord has a qualifying owner's interest and that the dwelling will be let or available for letting for not less than 5 years

Grant occupation conditions will be monitored to ensure compliance. A repayment condition will apply where a loan has been made secured as a financial charge at the Land Registry with the relevant fee eligible for grant aid.

Other general conditions will also apply as set out in Appendix 7.

**DISABLED FACILITIES ASSISTANCE (DISCRETIONARY)**

**Scope**

Discretionary disabled facilities assistance (DFA) primarily in the form of loans is available for adaptation works to dwellings owned or tenanted where works have been recommended by an Occupational Therapist from the Social Care Department of the Council which are beyond the scope of mandatory disabled facilities grant (DFG). Mandatory grants are already prescribed by the Housing Grants, Construction and Regeneration Act 1996
and are therefore not dealt with by this discretionary policy document. ‘Disabled Person’ is defined as that set out in the 1996 Act.

Eligible Applicants

Discretionary DFA will only be given to an applicant who:

- Has a relevant interest in the dwelling, either as an owner-occupier or tenant (tenant’s need their landlord’s written consent).

Eligible Property

Eligible dwellings need to have established planning consent. Grant will not be available for works which should have been subject to Building Regulations within the last 10 years.

Eligible Works

Mandatory adaptation works as defined by the 1996 Act, but only as much as their value exceeds any prevailing grant maximum for mandatory DFG at the date of application (currently £25,000).

Other adaptation works to a dwelling for the accommodation, welfare or employment of a disabled member of the applicant’s household i.e. non-mandatory works.

Mandatory or discretionary adaptation works which would otherwise be paid for by an applicant’s assessed financial contribution towards the cost of works from the test of financial resources applied.

All works must be the subject of a professional recommendation by a qualified Occupational Therapist that substantiates the need and appropriateness of any adaptation and the works required to meet that need and which must be considered both reasonable and practicable by the Council in its role as a housing authority.

Amount of Assistance

The total value of assistance given on any one application will be determined in each case by the Team Manager, having regard to the merits of each application, and the availability of relevant capital funding. Generally, assistance will be in the form of loan funding for owner-occupiers where the cost of works not covered by mandatory grant exceeds £1,000. Below that level grant assistance may be payable at the discretion of the Team Manager. Loans will be zero interest and repayable on the sale/transfer of the property or breach of grant conditions whichever occurs earlier.
For tenants assistance will be in the form of grant aid but subject to a specific condition.

**Grant Conditions**

One or more of the following certificates must be provided with a grant application, dependent upon the type of applicant:

- **Owner Occupation Certificate** stating the owner has or proposes to acquire an owner’s interest and that the applicant or the applicant’s family intend to live in the dwelling throughout the grant condition period of 5 years as their only or main residence from the certified date of the completion of works.

- **Landlord Certificate** stating that the owner has a qualifying interest in the dwelling concerned, and that a short-hold tenancy will be maintained by continuous periodic renewal for the existing tenant for at least a 5 year period from the date of completion of works.

- **Tenants Certificate** stating that the applicant is a qualifying tenant (i.e. has an established tenancy) and that the applicant or the applicant’s family intend to live in the dwelling as their only or main residence for 5 years.

Grant assistance for tenants will be subject to an additional specific tenancy condition requiring repayment of grant where the occupancy condition is breached by circumstances judged to be in the direct control of the grant applicant or his household.

Other general conditions will also apply as set out in Appendix 7.

**SOLAR HEATING ASSISTANCE**

**Scope**

Solar heating grant (SHG) is available for works to owner-occupied dwellings for the supply and installation of a solar heating system to allow hot water to be provided from infra red radiation from the sun.

**Eligible Applicants**

Solar Heating Assistance Grant will only be given to an applicant who:

- Has a relevant interest in the dwelling, as an owner-occupier.
- Is able and willing to pay the balance of costs of installation beyond any grant approved.

**Eligible Property**

Eligible dwellings need to have established planning consent. Where the property is a flat, the relevant consent of the freeholder will be needed in writing in advance in respect of the installation.

**Eligible Works**

Works for the supply and fitting of a complete solar water heating system to the roof of the dwelling concerned. Typically comprising a solar heating panel, pump and associated pipe work, hot tank (as necessary) and related control system including associated electrical and plumbing works and disturbance of roof covering and making weather tight. All works to be undertaken by a specialist contractor approved by the Council.
**Amount of Assistance**

Solar heating assistance will be a fixed grant of £1,100 towards any eligible costs of installation (excluding relevant fees which will also be grant eligible) subject to available capital funding for that purpose. Above that amount loan assistance will be available to ‘vulnerable households’\(^{26}\) for the balance of cost of works where the difference exceeds £1,000. Loans will be zero interest and repayable on sale/transfer of the property.

**Grant Conditions**

The following certificate must be provided with a grant application:

- **Owner Occupation Certificate** stating the owner has or proposes to acquire an owner's interest and that the applicant or the applicant's family intend to live in the dwelling throughout the period of 3 years as their only or main residence from the certified date of the completion of works.

Where a loan has been provided, a repayment condition will apply secured as a financial charge at the Land Registry with the relevant fee eligible for grant aid.

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\(^{26}\) In receipt of defined benefits in accordance with the government definition.
12. ENFORCEMENT/WAIVER OF GRANT CONDITIONS

Owner occupation certificates provided with applications for housing assistance grants where works cost more than £7,000 and certificates of intended letting provided with any applications for housing assistance will be enforced throughout the relevant grant condition periods. A breach of grant condition will occur if a relevant disposal is made of the property concerned, or if the property remains vacant without reasonable excuse at any time throughout the grant condition period.

Breaches of grant conditions will result in a demand for repayment of the grant being made of the original grant applicant by the Council, and any loan made secured against the property.

For owner-occupiers the amount of grant to be repaid will be the original grant amount less an amount calculated in direct proportion to the amount of time, from the certified date of completion of works up until the date of completion of the contract of sale, that the property has been occupied, in accordance with the certificate of occupation given.

The amount of loan to be repaid will be the whole original loan amount without any interest charges. No interest will be added to any amount of grant to be repaid for any breach of housing assistance conditions by an owner occupier.

For landlords the amount of grant to be repaid will be the whole of the amount of the original grant regardless of the date at which the breach of condition occurs. The amount of loan to be repaid will be the whole original loan amount but without any interest applied.

Invoice demands for repayment that are not settled forthwith will be pursued by the Council as a breach of contract case in the County Court.

Repayment of any grant amount (together with any related loan amount) upon a breach of grant condition will trigger the cancellation of relevant conditions on the dwelling concerned by the Council.

27 Full details of grant conditions to be applied can be found at Appendix 7.
The housing assistance legislation gives discretionary power to the Council to provide housing assistance loans as well or instead of grants. The Council will be giving housing assistance grants as outlined above. In addition, the Council has considered the potential benefit of recycling capital in the form of loans where considered appropriate to further assist home owners in the Borough in carrying out works to their properties.

The provision of loans is not straightforward. There are a number of different factors which influence both the grant and administration of the loans as well as the uptake of the loans by property owners.

Those owners, whose property is most in need of work, are generally those on very limited income. This means that repayment loans are not a viable solution for this group.

Loans which offer the release of some of the property’s value (i.e. its equity) may be appropriate for some elderly home owners, but there are few existing equity release schemes in the current financial market which may be taken up with confidence. The Council itself has a limited ability to offer a range of diverse loan products.

Moreover, the Council is not in a position to offer advice to home owners on the financial products which are available in the private sector. The establishment of a local home improvement agency to assist vulnerable households however means that the offer of loans from charitable trusts or other non-profit making bodies is an option that may increasingly be available to clients of the agency from 2005/06 onwards.

The Council has concluded that for 2005/06 housing assistance loans will only be offered to certain landlords and certain owner-occupiers as outlined above. These loans will be simple without added interest charges and administered by the Council and secured as a financial charge at the local Land Registry. Loans will be repayable on sale of the property, on breach of another relevant grant condition where applicable, or on transfer of the title of the property.

The Council believes there is the potential for other forms of housing assistance loans to be developed over a period of time so as to extend the range of home owners the Council will be able to help in the future. Further details on loans can be found at Appendix 9.

At the time of commencement of this policy (April 2005) there are not sufficient established financial loan products available for the Council to readily adopt and apply more widely than already outlined. It is hoped that the establishment of a local home improvement agency28 in 2005 will allow the extension of loan assistance (for example - equity release products) to home owners, in partnership with the Council.

28 An established objective of the Council’s Housing Strategy (Update) 2002-2005.
14. ANCILLARY FEES AND CHARGES

Costs that are incurred by eligible applicants for housing assistance grants or loans (as set out above) for relevant works to properties on ancillary matters associated with the works, shall be eligible for housing assistance within the maximum amounts or percentages applicable, as outlined earlier.

A full list of the types of fees and charges that will be eligible for assistance can be found at Appendix 8. This list is illustrative and not necessarily exhaustive.
Apart from the award of housing assistance grants, and the offering of an increasing range of loans, as outlined above, the Council will be giving positive assistance to home owners in the form of housing advice on a range of matters.

Housing advice is an important complimentary part of housing assistance as it enables property owners to make more informed choices about how to deal with matters relevant to their homes.

Specific housing advice will be offered by staff in the Private Sector Housing Team of the Council on the following subject areas:

- Grants
- Loans (limited basis)
- Energy conservation works
- Repairs
- Improvements
- Adaptations
- Enforcement of works
- Housing standards
- Empty homes
- Houses in multiple occupation
- Privately rented accommodation

The Council will give detailed and specific advice on housing assistance grants and on its own loans to householders before any offer of housing assistance is made. This advice will be confirmed in writing to applicants for assistance. However, the Council is unable to give comprehensive financial advice to individual householders on financial products given by third parties e.g. a high street bank. Instead, householders will be advised to seek such advice from an independent financial advisor. In appropriate cases referrals for advice and assistance may be made to the new home improvement agency operated by Anchor Housing Association in partnership with the Council.

**15. OTHER FORMS OF HOUSING ASSISTANCE**
16. CAPITAL RESOURCES FOR HOUSING ASSISTANCE 2005/6

For the financial year 2005/6 the amount of capital resource that will be committed to implementing this policy on housing assistance made available by the Council\(^29\) will be £1,156,000. A proportion of this funding (£441,000) will be specifically targeted at making non-decent homes in the Borough meet the decent homes standard (see earlier). A further £600,000 is available in addition, but intended solely for mandatory disabled facilities grants\(^30\). It is anticipated that in this year of operation of housing assistance the large majority of capital funding available will be spent on grant assistance with a lesser amount taken as loan assistance.

There is no other funding to be provided by partner organisations locally for housing assistance for 2005/06, with the exception of certain capital funding for energy efficiency measures\(^31\) to help the Council alleviate fuel poverty and meet its home energy conservation (HECA) strategy objectives.

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29 This funding comes from the Housing Allocation given to the Council from the ODPM, and by additional funding from the Regional Housing Board to tackle non-decent homes specifically.
30 Mandatory disabled grants are partly funded by central government from a specific capital allocation that can only be used for that purpose.
31 For example, funding from the Government’s own Warm Front grant scheme, and from the Energy Efficiency Commitment funding from energy suppliers, for energy conservation measures which the Council helps promote. The Council does not have access to the exact extent of capital for works specifically in Southend, although a summary of installed energy measures is supplied to the Council each year and is included in the Council’s HECA Report to DEFRA every year.
The Council has at its disposal a wide range of legislative enforcement duties and powers which may be used to achieve the repair and improvement of private homes when such works cannot be achieved by other means.

Enforcement measures usually involve the formal requirement by the Council to undertake works, ultimately through the service of statutory notices on the property owner. The notices require the owner to carry out specific works within a defined period of time. If the owner fails to do so they commit a criminal offence and may be prosecuted. In certain circumstances, if the owner won’t carry out the work the Council has the power to arrange for the work to be done and recover the cost of the work from the property owner.

Enforcement is normally the last resort and follows informal dialogue with the property owner regarding the works which are to be put into effect which will include goodwill advice on the nature and extent of works needed. Enforcement is justified when the owner is not complying with their own responsibility to keep the property in minimal repair as a result of which the condition of the property is affecting the health, safety or welfare of the property’s occupier or causing other problems for adjacent property owners.

The Council has formally adopted the principles of the government’s Enforcement Concordat in drawing up its own local enforcement policy. A copy of this Council’s current Enforcement Policy in relation to privately rented properties can be found at Appendix 10.

The Housing Act 2004 contains provisions which will considerably extend the scope of works that may be subject to Council enforcement. These provisions include the application of a new health and safety rating system, and the mandatory licensing of houses in multiple occupation (HMOs). The relevant provisions are not expected to become operational before late 2005.

32 The ‘Enforcement Concordat’ is a document published by the Government’s Regulatory Impact Unit within the Cabinet Office which sets out good practice principles that should apply to enforcement action take by local authorities.
18. TRANSITIONAL ARRANGEMENTS

On 29th April 2005, the existing policy relating to housing assistance grants will be formally replaced by this amended policy document. At this point in time there will be a number of grant enquiries and a number of grant applications already in process. Some of these will have to be dealt with under the provisions of the existing (earlier) housing assistance policy and some under the new policy criteria. It would be unreasonable to ask all applicants to resubmit their enquiries or applications and therefore a transitional policy (Appendix 14) will be put in place to enable the processing of relevant cases to continue with the least interruption.

This approach will allow a smooth transition between the former policy and the new housing assistance policy without causing unfairness or undue delay to applicants. Also, it will help the Council to ensure the steady expenditure of its housing assistance capital budget thereby making best use of the available resource.
The delivery of housing assistance will be achieved in accordance with the following timescales in respect of various stages of the housing assistance process:

<table>
<thead>
<tr>
<th>Process Stage</th>
<th>Target Timescale</th>
</tr>
</thead>
<tbody>
<tr>
<td>Enquiry pack dispatched</td>
<td>Within 5 working days</td>
</tr>
<tr>
<td>Returned enquiry assessed for priority</td>
<td>Within 5 working days</td>
</tr>
<tr>
<td>Inspection of dwelling</td>
<td>As soon as is reasonably practicable relative to available capital budget. Applicants to be notified at least 6 monthly of their position in the grant process.</td>
</tr>
<tr>
<td>Issue of works schedule and application form</td>
<td>Within 5 working days from inspection of dwelling</td>
</tr>
<tr>
<td>Checking of submitted application</td>
<td>Within 5 working days of receipt</td>
</tr>
<tr>
<td>Registration of complete application</td>
<td>Within 5 working days of confirming fully complete</td>
</tr>
<tr>
<td>Calculation of amount of assistance</td>
<td>Within 5 working days of registration of application 33</td>
</tr>
<tr>
<td>Approval of application</td>
<td>Within 2 months of complete application 34</td>
</tr>
<tr>
<td>Inspection of completed works</td>
<td>Within 5 working days of notification</td>
</tr>
<tr>
<td>Grant passed for payment</td>
<td>Within 5 working days of certification of completion of all relevant works</td>
</tr>
</tbody>
</table>

33 Provided no Building Regulation fee or planning fee involved, which may cause additional delay.
34 Time period may be extended where proof of title (ownership) is delayed by applicant’s mortgagor.
20. EXCEPTIONS TO POLICY /APPEALS PROCEDURE

All applications for housing assistance will be considered in accordance with the policy outlined in this document. This includes in particular the level of available funding and applications may be refused if sufficient funding is not available even though they may otherwise meet the policy criteria outlined.

The Council will exceptionally consider cases of unusual need on an ad hoc basis even though the criteria are not met, subject always to the availability of sufficient grant funds and an initially obvious and agreed reason for such consideration. All such applications must be/ will be separately documented and subsequently approved by the Group Manager (Private Sector Housing) or a more senior officer.

All decisions will be notified in writing to applicants.

Appeals against the refusal of housing assistance may only be made in writing to:

Team Manager (Private Sector Housing Service)
Southend-on-Sea Borough Council
Civic Centre
Victoria Avenue
Southend-on-Sea
Essex SS2 6ER

The grounds (reasons) of the appeal must be clearly stated. Appeals will be considered by the Group Manager and judged on individual merit taking a balanced account of all relevant circumstances and factors.

Decisions will be recorded in every case and applicants advised of the outcome in writing within 10 working days of the receipt of a written appeal.
This policy will come into effect on 29th April 2005. It will be reviewed at least in 12 months time, and more frequently should this be required, for example by a change in government guidance or legislation.

It is intended that a revised policy will be issued in March each year to be implemented the following month (i.e. the start of any new financial year).

Such reviews will become part of the current annual cycle of Housing Investment Programme Submissions (HIPS) made by the Council to the Office of the Deputy Prime Minister (ODPM) in respect of overall private sector housing strategy. These submissions include a bid for capital resources for the provision of housing assistance for the following financial year.

Policy implementation will be summarised and reported to the Council’s Cabinet at least once a year in good time for the annual policy revision.

The Council’s performance against relevant service standards and the output of its housing assistance programme will be published at least once a year alongside any changes in this policy.

Comments and feedback on the Council’s prevailing housing assistance policy are welcome and may be sent to the Private Sector Housing Team Manager, Southend Borough Council at the address shown above or emailed using the contact address shown on the Council’s website under the section dealing with ‘Private Sector Housing’. Such comments will be collated, summarised and considered as part of the policy review cycle which has been outlined.
Southend Local House Condition Survey 2004 (PPS plc for Southend Council, August 2004)
The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002, HMSO (No. 1860)
### APPENDIX 2:
GLOSSARY OF TERMS USED IN THIS POLICY

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Action Plan</td>
<td>Part of the Council's local Housing Strategy Statement that sets out the actions that is to be taken to implement the housing objectives contained in the strategy.</td>
</tr>
<tr>
<td>Decent Homes</td>
<td>A new high standard of property condition set by Government covering a wide number of property criteria.</td>
</tr>
<tr>
<td>Disabled Adaptations</td>
<td>Works to properties to meet the essential needs of a disabled household member in daily living.</td>
</tr>
<tr>
<td>Energy Efficiency Measures</td>
<td>Works to homes such as the provision of insulation material, more efficient heating systems and so forth.</td>
</tr>
<tr>
<td>Energy Efficiency Standard</td>
<td>A standard set by the Council in respect of the minimum provision of insulation etc in residential properties.</td>
</tr>
<tr>
<td>Equity Release Scheme</td>
<td>A type of financial loan that can be given to households who own their properties outright - where the loan is given in exchange for a proportion of the property value.</td>
</tr>
<tr>
<td>Fitness for Human Habitation</td>
<td>A minimum legal standard for the physical condition of all housing set out in the Housing Act 1985.</td>
</tr>
<tr>
<td>Fuel Poverty</td>
<td>A condition of a household where more than 10% of household income is spent on energy costs e.g. heating and where consequently often inadequate heating is found.</td>
</tr>
<tr>
<td>Home Energy Conservation Authority</td>
<td>A local Council with statutory responsibilities to ensure a significant cut in domestic energy consumption and to tackle fuel poverty.</td>
</tr>
<tr>
<td><strong>Housing Assistance</strong></td>
<td>A new regulatory regime by which local housing authorities can assist private property owners or occupiers with works to improve housing conditions by a range of assistance methods.</td>
</tr>
<tr>
<td>-----------------------</td>
<td>--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td><strong>Housing Investment Programme (HIP)</strong></td>
<td>An annual bidding process operated by regional government which the Council has to participate in to bid for capital funding for works to local residential properties.</td>
</tr>
<tr>
<td><strong>Housing Strategy Statement</strong></td>
<td>A document published by the Council setting out how it intends to fulfil its responsibilities for all housing accommodation in the local area over the next 3 years.</td>
</tr>
<tr>
<td><strong>House Renewal Grants</strong></td>
<td>The former regulatory system by which the Council gave grants to homeowners for works of repair, improvement and adaptation of local properties under the Housing Grants, Construction &amp; Regeneration Act 1996.</td>
</tr>
<tr>
<td><strong>Houses in Multiple Occupation</strong></td>
<td>Houses or flats occupied by persons who do not form a single household – typically, bedsits or bed and breakfast accommodation but includes shared dwellings.</td>
</tr>
<tr>
<td><strong>Private Housing Stock</strong></td>
<td>A term describing all of the private residential properties.</td>
</tr>
<tr>
<td><strong>Regulated Tenancy</strong></td>
<td>An older type of tenancy where the rent the landlord can charge is restricted by law below the market rent.</td>
</tr>
<tr>
<td><strong>Statutory Notice</strong></td>
<td>A legal notice served by the Council on a property owner requiring works within a specified period of time.</td>
</tr>
</tbody>
</table>
## Appendix 3: Contact Details for Southend Borough Council Departments

### Housing Assistance Enquiries / Private Sector Housing Policy:

<table>
<thead>
<tr>
<th>Department</th>
<th>Contact Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Private Sector Housing Team</td>
<td><strong>Telephone</strong>: (01702) 215815</td>
</tr>
<tr>
<td>Community Services Department</td>
<td></td>
</tr>
<tr>
<td>Civic Centre</td>
<td></td>
</tr>
<tr>
<td>Victoria Avenue</td>
<td></td>
</tr>
<tr>
<td>Southend</td>
<td></td>
</tr>
<tr>
<td>Essex SS2 6ZG</td>
<td></td>
</tr>
<tr>
<td>Reception at Floor 10 of the Civic Centre on weekdays between 9.30am and 5.00 pm</td>
<td></td>
</tr>
</tbody>
</table>

### Public Sector Housing Policy (Council Housing/Housing Needs):

<table>
<thead>
<tr>
<th>Department</th>
<th>Contact Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community Housing Division</td>
<td><strong>Telephone</strong>: (01702) 215419</td>
</tr>
<tr>
<td>Community Services Department</td>
<td></td>
</tr>
<tr>
<td>Civic Centre</td>
<td></td>
</tr>
<tr>
<td>Victoria Avenue</td>
<td></td>
</tr>
<tr>
<td>Southend</td>
<td></td>
</tr>
<tr>
<td>Essex SS2 6ZG</td>
<td></td>
</tr>
<tr>
<td>Reception at Floor 7 of the Civic Centre during normal office hours.</td>
<td></td>
</tr>
</tbody>
</table>

### Assessment of Disabled Adaptation Needs:

<table>
<thead>
<tr>
<th>Department</th>
<th>Contact Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Occupational Therapy Team</td>
<td><strong>Telephone</strong>: (01702) 214208</td>
</tr>
<tr>
<td>Community Services Department</td>
<td></td>
</tr>
<tr>
<td>Civic Centre</td>
<td></td>
</tr>
<tr>
<td>Victoria Avenue</td>
<td></td>
</tr>
<tr>
<td>Southend</td>
<td></td>
</tr>
<tr>
<td>Essex SS2 6ZG</td>
<td></td>
</tr>
<tr>
<td>Reception at Ground Floor, Unit 8, Temple Farm, Southend.</td>
<td></td>
</tr>
</tbody>
</table>
APPENDIX 4:
HOUSING ASSISTANCE PROCESS (ENQUIRIES)

- Enquiry received
- Enquiry pack sent
- Enquiry forms returned
- Priority assessment
- Urgent priority?  Yes - issued to officer for inspection
  No - priority score given & placed on waiting list
- Letter sent to enquirer advising of waiting list position
- File held for later inspection
- Periodic review of waiting list
- Enquiry issued to inspecting officer
- Inspection of property
- Works eligible
- Schedule of works sent to householder inviting formal application/estimates
- Enquiry papers held pending application
- Application received
### APPENDIX 5:

**PRIORITY POINTS SYSTEM FOR HOUSING ASSISTANCE ENQUIRIES**

#### Housing Assistance Waiting List - Priority Assessment Form

**Address:** ........................................................................................................................

<table>
<thead>
<tr>
<th>Client Needs</th>
<th>Pts</th>
<th>Financial Ability*</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Over 80 years of age</td>
<td>15</td>
<td>Income support or job seekers allowance</td>
<td>15</td>
</tr>
<tr>
<td>Over 70 years of age</td>
<td>10</td>
<td>Council tax benefit</td>
<td>10</td>
</tr>
<tr>
<td>Over 60 years of age</td>
<td>5</td>
<td>Calculated contribution £NIL to 1,000</td>
<td>5</td>
</tr>
<tr>
<td>Single parent with young family [child less than 10]</td>
<td>10</td>
<td>* only score one of the above categories - the highest score applies only</td>
<td></td>
</tr>
<tr>
<td>Couple with young child [less than 10]</td>
<td>5</td>
<td>Receiving disability benefits/allowances</td>
<td>add 5</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Amenities</th>
<th>Pts</th>
<th>Physical Conditions</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lack of internal WC</td>
<td>10</td>
<td>Structural settlement</td>
<td>5</td>
</tr>
<tr>
<td>Lack of shower/bath in bathroom</td>
<td>5</td>
<td>Inadequate water supply</td>
<td>5</td>
</tr>
<tr>
<td>Lack of sink</td>
<td>10</td>
<td>Serious disrepair</td>
<td>5</td>
</tr>
<tr>
<td>Lack of wash hand basin</td>
<td>5</td>
<td>Dampness</td>
<td>5</td>
</tr>
<tr>
<td>Lack of hot water to bath, sink or wash hand basin</td>
<td>5</td>
<td>Inadequate food preparation /cooking facilities</td>
<td>5</td>
</tr>
<tr>
<td>Urgency</td>
<td></td>
<td>Inadequate lighting/heating /energy efficiency</td>
<td>5</td>
</tr>
<tr>
<td>Indicated serious/imminent risk to the health &amp; safety of occupants</td>
<td>25</td>
<td>Inadequate ventilation</td>
<td>5</td>
</tr>
<tr>
<td>&quot;Possible risk&quot;</td>
<td>10</td>
<td>Unsatisfactory drainage</td>
<td>5</td>
</tr>
</tbody>
</table>

**BASE SCORE:**

<table>
<thead>
<tr>
<th>Grants Target Area</th>
<th></th>
<th><strong>TOTAL PRIORITY SCORE:</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>10 Points if in defined target area</td>
<td></td>
<td>(Including Waiting Points)</td>
<td></td>
</tr>
<tr>
<td>Waiting Period</td>
<td></td>
<td>Entered on LP8</td>
<td></td>
</tr>
<tr>
<td>10 Points for every 6 months waiting</td>
<td></td>
<td>Initials...........................................</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Date.............................................</td>
<td></td>
</tr>
</tbody>
</table>
**APPENDIX 6:**

**HOUSING ASSISTANCE PROCESS (APPLICATIONS)**

- Application made to Council
- Application Registered
- Pre-approval checks initiated
- Grant amount calculated
- Checks all cleared
- Grant offer approved & sent
- Works completed - Council notified & invoice received
- Inspection of Works
- If works satisfactory - grant paid.
General Conditions applying to all housing assistance grants awarded will be as follows:

- Eligible works are carried out in accordance with the Council’s written specification.

- Payment is conditional upon the eligible works being executed to the satisfaction of the Council, and provision of an acceptable invoice, demand or receipt at the end of works.

- Grant will not be paid where the invoice or demand is given by the applicant or a member of the applicant’s family.

Specific Conditions Applicable (Owner-Occupation Certificate - Grant Awarded >£7,000)

Condition 1: Repayment on Relevant Disposal

It is a condition of grant that if an owner of premises to which an application for assistance relates, makes a disposal of the whole or part of the premises -

(a) After any instalment of grant has been paid, and before the certified date of completion of works, or,

(b) On or after the certified date of completion of works, and before the end of the grant condition period,

he shall repay to the Council on demand the amount of grant that has been paid. The grant repayment shall be reduced according to the time period between the certified date and date of disposal in proportion to the overall grant condition period.

Condition 2: Owner-Occupation.

It is a condition of grant that throughout the grant condition period the dwelling is occupied in accordance with the intention of owner-occupation stated in the certificate.

It is a condition of grant that at any time during the grant condition period the owner will provide as required by the Council a statement showing how the owner-occupation conditions is being satisfied. The Council will provide a notice and return form to be used for this purpose.

Breaches of Grant Condition 1 or 2

- In the event of a breach of any of these conditions the grant applicant shall on demand repay to the Council the amount of the grant as may be specified. No interest shall be payable on any such grant amount demanded by the Council.

- Where assistance has been given partly by means of loan assistance a breach of any grant condition will trigger a requirement to repay the loan in full without any interest charges at the same time any grant amount is repaid.
The Council may determine not to make such a demand or to demand a lesser amount as it sees fit. There are likely to be few circumstances where the Council will exercise this discretion. However, the Council would consider applying such discretion where:

1. An elderly or infirm owner is making a relevant disposal of a dwelling with the intention of going to live in a hospital, residential care home or similar institution as his only or main residence, or

2. Such an owner is moving to somewhere where care will be provided by any person or is making the disposal with the intention of going to live with and care for an elderly or infirm member of his or his partner’s family.

3. The property is being disposed of by a mortgagee in exercise of his power of sale where the mortgage was entered into before the application for grants was made.

Grant conditions shall cease to have effect from the date of repayment of the whole or part of the grant in respect of any demand made by the Council, or such other date as the Council may determine. A specific financial charge shall continue to apply where any loan assistance has been given until the date of repayment of the loan in full without interest.

**Specific Conditions Applicable (Landlords - Any Grant Amount).**

**Condition 1: Condition as to Availability of Letting**

It is a condition of the grant that throughout the grant condition period the dwelling is let or available for letting in accordance with the intention stated in the certificate.

**Condition 2: Provision of Information Regarding Occupancy**

It is also a condition of the grant that if at any time within the grant condition period the Council serve notice on the owner of the dwelling requiring him to do so, he will within the period of 21 days beginning on the date on which the notice was served furnish to the authority a statement showing how Condition 1 is being fulfilled.

The terms of any tenancy of the dwelling (or any part of it, or any property including the dwelling or part of it) shall be deemed to include a duty on the part of the tenant, if required to do so by the owner of the dwelling, to furnish him with such information as he may reasonably require to enable him to comply with a notice under the above requirement.

**Condition 3: Requiring Repayment of Grant in Case of Certain Disposals**

(1) It is a condition of a grant that if an owner of the premises to which the application relates makes a relevant disposal, of the whole or part of the premises to which the application relates after any instalment of grant has
be paid, and before the certified date, he shall repay to the Council on demand the amount of grant that has been paid.

(2) It is a condition of a grant that if an owner of the dwelling to which the application relates makes a relevant disposal of the whole or part of the dwelling, on or after the certified date, and before the end of the grant condition period, he shall repay to the Council on demand the amount of grant paid.

(3) A condition under this section is binding on the grant applicant.

**Condition 4: Notice of Relevant Disposal**

The applicant shall forthwith notify the Council of his intention to make a relevant disposal of any dwelling with respect to which there is in force, any grant condition under the terms of this policy.

This condition shall have effect during the grant condition period.

In the event of a breach of the above condition the Council may demand repayment from the applicant of a sum equal to the amount of the grant paid or, as the case may be, any instalments of grant paid and the same shall become repayable to the authority.

**Condition 5: Nomination of Tenants to the Property**

*This condition is discretionary, and will only be applied where specifically indicated on the formal offer of grant; in such cases the Council will have discussed the imposition of this condition with the applicant beforehand.*

(1) In the case of a landlord’s application for any grant, the Council shall be entitled to nominate tenants to the property, throughout the grant condition period. These nominations could include tenants from a relevant local housing association waiting list as may be agreed with the association concerned.

(2) The applicant agrees not to offer the property for letting, and the Council agrees not to make nominations to it, in such manner (including as to timing and the terms of any offer or nomination) as would prevent this condition being, or continuing to be, operable fairly and reasonably.

(3) Without prejudice to the generality of sub-paragraph (2), the applicant agrees -

(a) if the property becomes/is already vacant on the date of approval of the application, or

(b) if (and every time that) the property becomes vacant between that date and the end of the grant condition period

forthwith to hold the property (or the vacant part of it) available for letting by persons nominated by the Council and to notify the Council of its availability for that purpose and of the terms upon which it is so available.

(4) Subject to the applicant’s strict compliance with sub-paragraph (3), this condition shall not have effect while the property is occupied under a tenancy or tenancies satisfying the requirements of such certificate of intended letting as was submitted with the application.
Other Conditions – Any Applicable Housing Assistance Award (Grant and/or Loan)

Repayment Condition for Loan Assistance

It is condition of any loan assistance given by the Council under the terms of this policy that any loan amount shall be repaid in full either on a breach of any grant condition applying to the same property within any relevant grant condition period, or upon sale or transfer of the applicant’s interest in the property concerned, whichever occurs earlier. No interest charges shall be made by the Council in respect of such loan assistance.

It is also a condition of assistance that all loans made by the Council under this policy are secured as a financial legal charge at the local Land Registry against the title of the property concerned. The charge shall only be removed upon satisfactory of the repayment of the original loan amount or any outstanding balance in full.

Nothing shall prevent an applicant for housing assistance from repaying a loan at an earlier point in time, either in full or part, subject to the other terms of this grant condition.

Full repayment of any relevant housing assistance loan shall cause this condition to cease to have effect.

Tenant Condition (Disabled Facilities Assistance only)

It is a condition of disabled facilities assistance where there is a tenants application that the tenant occupies the dwelling concerned for the whole of the grant condition period (5 years). This includes fulfilment of a tenant’s normal contractual obligations as set out in any tenancy agreement, including regular payment of rent. The condition shall include a requirement for the tenant or his household to provide relevant information that might reasonably be required by the Council to assess compliance with this condition or the nature of any potential breach, at any time during the grant condition period.

Breaches of Grant Conditions

In the event of a breach of grant conditions, the grant applicant shall on demand repay to the Council the amount of the grant paid and if applicable the full amount of any loan made by the Council.

The Council may determine not to make such a demand or to demand a lesser amount as it sees fit. In the case of a tenant condition, the Council will look particularly at whether any move by the tenant concerned was due to circumstances within the tenant or the tenant’s household’s choice or control.

There are few circumstances where the Council will exercise its discretion not to demand repayment or to demand a lesser amount in the event of a breach of grant conditions.

All Grant Conditions will be periodically and actively monitored to ensure compliance.
APPENDIX 8: ELIGIBLE PRELIMINARY OR ANCILLARY FEES AND CHARGES

The following fees and charges will be considered eligible for the purposes of housing assistance grants and loans. The list is indicative only, and is not intended to be exhaustive.

- Architects, surveyors or agents fees for drawing up plans/schedules of works and inspecting premises and/or arranging/supervising works.
- Occupational therapist fees for the assessment of adaptation works for the disabled.
- Planning fees charged by the Council as a planning authority.
- Building Regulation fees charged by the Council for Building Notices or full applications.
- Inspection fees from specialist companies for reports on defects e.g. electrical or gas safety reports where particular expertise/inspection equipments is required.
- The fee for the administration of any disabled facilities Council loan.
- Any other fee or charge which in the opinion of the Council was reasonably justified to be incurred in the preparation for or execution or completion of any relevant works to premises where housing assistance is given.
The Council will offer loans on a limited basis, as detailed earlier in this policy document.

Such loans will be administered by the Council on the following basis:

- The loans would be administered on a repayment basis over an indefinite period, without any interest or other ongoing charges.
- The principal element of the loan must be repaid in full upon sale or transfer of the property or the death of the applicant, as applicable.
- The loan will be secured by means of a legal financial charge being registered against the title of the property at the local Land Registry.
- The award of a loan by the Council will automatically be subject to the conditions of assistance outlined in this policy document.
- No interest will be charged by the Council in respect of any housing assistance loan made under the terms of this policy document.
- A small administration charge will be made to the applicant to cover the applicable and reasonable registration fee (eligible for grant, where indicated earlier) associated with the securing of a loan as a financial charge against the dwelling or HMO concerned with the Land Registry.
ENFORCEMENT POLICY
- REPAIR OF TENANTED PROPERTIES

Context
The Council has a variety of powers available to enforce the repair of tenanted properties and those let on licence under different statutes including, amongst others:

- Housing Act 2004
- Housing Act 1985
- Environmental Protection Act 1990
- Public Health Acts 1936 and 1961
- Building Act 1984
- Housing Act 1996
- Housing Grants, Construction and Regeneration Act 1996

Repair
Note that ‘repair’ has been held in some instances by case law to include works of construction and improvement, as well as the more classic interpretation of repair, which takes into account the question of fact and degree of works, having regard to the nature and cost of a particular job.

Current Enforcement Policy
The Council approach to the enforcement of repairs and improvements in tenanted properties in the Borough is based upon Government advice, legislation and the Council’s agreement to act in accordance with the Government’s Enforcement Concordat which establishes a series of principles of good enforcement practice covering: standards, openness, helpfulness, complaints against service, proportionality and consistency.

The Council recognises that dialogue and contact between businesses and the local community and the Council’s enforcing agencies is essential to ensure that legislation is understood by all, cost effective for all parties and fulfilling its purpose to protect the community.

Such businesses include those engaged in private renting and residential social landlords.

Formal enforcement of repairs and improvements in tenanted properties will only be instituted as a last resort, where owners fail to respond positively to informal dialogue with the Council regarding the need for works.

Initially, the Council will write informally to agents or landlords bringing their attention to the need for works following an inspection of the property by the relevant district Environmental Health Officer. Normally, this informal correspondence will include a formal requisition for information requiring that the ownership of the property
and other interested parties are identified and confirmed, within a 14 day period. Note that failure to complete, sign and return the requisition within the set time period is in itself an offence, liable to summary prosecution.

Minded to Take Action Notices

Sometimes, these elements of informal correspondence will include a formal notification [a so called ‘minded to notice’] that the Council is minded to take formal action of a specified kind, where statutory provisions require that this be done. This is usually where a statutory notice or order may be served under the provisions of the Housing Act 1985.

Such notification includes a right of the person so served with the notice, to make formal written or verbal representations within a set time period (minimum 14 days) to the Council. Representations might include any intended action proposed, or reasons why such action is considered unreasonable. The right to make representations allows the views of owners or others to be taken into account before formal action is decided upon. It is also intended to allow positive dialogue to take place between an owner and the Council regarding the works to be done, with a view to facilitating their completion without the need for recourse to formal enforcement action.

Note that such a ‘minded to’ notice does not have to be served if the Council consider that immediate action is required. For example, where there is some degree of urgency in relation to the nature of any defects or works, which pose a serious risk to the health and safety of the occupying tenant. In these circumstances the Council will serve formal notices at an earlier stage, without inviting formal representations first.

Enforcement

Although enforcement is very much a last resort, it is important to note that the Council will not hesitate to take the necessary enforcement action where this is deemed appropriate. The Council views the responsibility for repairs to tenanted property to be essentially a private one, which lies with the owner of the property concerned. The renting of property in the private sector is seen as a legitimate business activity, where part of the return on investment should be put towards the maintenance and repair of the property so as to preserve its condition over the period of the investment.

Where enforcement is exercised by the Council, it normally involves the service of a statutory notice or Order requiring works to be carried out, or making other requirements. Notices are normally served on the person to whom rent is being paid, or who would receive it, if rent were paid. This can and does include managing agents and trustees. Notices invariably specify a time within which works are to be completed, and often, a time in which works must be started.

Normally, statutory notices are a legal land charge registerable against the property concerned. All Notices requiring works and Orders, are logged on the land charges register informally upon service; those which are legal charges are formally registered against the property address.

Offences in Connection with Statutory Notices

A criminal offence is typically committed if a person served with a notice fails to comply with specified commencement or completion dates for the works incorporated in the notice. Punishment for such an
offence would involve prosecution of an offending person by the Council in the local Magistrates Court, where a fine could be imposed up to a specified maximum.

Prosecution Policy

Any decision whether or not to prosecute will take into account the seriousness of the offence, the previous history of the party concerned, any willingness shown towards prevention of a recurrence of the offence, the public benefit of such a prosecution and any explanation offered as to why the offence occurred. Therefore, in some circumstances, a caution, rather than prosecution, may be seen to be more appropriate.

Appeals

Notices usually have provision for an appeal to be made against the notice requirements on specified grounds. The essential details of the appeal process are always included on the reverse side of any notice for an owners’ information and attention; typically, appeals must be made to the County Court within 21 days of the date of service. It is sensible to seek the advice of a private solicitor, who will be able to advise more specifically as to the proper legal basis of any appeal being considered, and the exact legal process to be followed, together with the associated implications of costs etc.

Works in Default

Where works have not been carried out in accordance with any notice requirements, there is usually a power open to the Council to execute the works in default of the person served with the notice. Works in default involve the arrangement of the works by the Council using a nominated contractor from an approved list. It is important to note that the cost of works in default can usually be recovered from the person served with the notice, including any administrative costs involved in arranging them. Such a financial charge becomes a local land charge registered against the property, until the debt is paid.

Where works in default are envisaged, there will normally have taken place much informal and formal dialogue between the Council and the owner of a property. Works in default are considered as a last resort, to be used where an owner has proved persistently uncooperative. Sometimes this procedure is used where the ownership of a premises is unknown, so that there is no person available to execute the necessary works.

Before works in default are undertaken, the Council is usually required by law to serve another notice of their intention to carry out the works in default. This is usually a seven day notice. Occasionally, statutory works notices allow the Council to carry out works straight away if an owner ignores the notice requirements. These latter type of notices have different wording which makes the Council’s intentions very clear.

Discretionary Renovation Grant Aid

Before any works required by the Council are carried out, it may be worth enquiring whether any discretionary housing assistance grant/loan aid is available towards the cost. Note that discretionary assistance will not be given where a statutory notice has had to be served. Queries can be referred through the Grants Support Service of the Private Sector Housing Team of the Council on Southend
[01702] 215815 between 8.30 a.m. and 5 p.m. any weekday.

Please note that due to restrictions on grant funding, discretionary housing assistance is only likely to be available in limited circumstances. A separate advice sheet has been produced in this regard with fuller details of the housing assistance system, together with the established criteria for grant/loan eligibility.

**Rental Increases**

You may already be aware that in certain circumstances, it may be possible to increase the rent charged to a tenant following the completion of any required works. Normally, specific legal procedures and provisions have to be followed before any rent increase is made; in this regard you advised to contact the Rent Officer Service on Chelmsford [01245] 266861. If there is a managing agent for the property, he should also be able to advise you about any potential rental increase that may be able to be made.

**Further Sources of Advice**

If in doubt about any notice requirement you are advised to contact the Private Sector Housing Service of the Council on Southend [01702] 215811 between the hours of 8.30 a.m. to 5 p.m. any weekday.

Alternatively, contact a private solicitor [see local Yellow Pages], or the Citizen’s Advice Bureau (CAB) on Southend (01702) 610610.

Please do not ignore any informal notice or statutory notice served on you by the Council. Any works brought to your attention have been done so for a legitimate reason. It is to your advantage to talk to the Council about any requirements before arranging works, but particularly if you are unsure about any of these.

**Liaison between the Landlord and the Occupying Tenant**

Bear in mind that the law requires a landlord to liaise with their tenant about any works to be done, and to make reasonable arrangements for access, with appropriate notice. Collaborative working with your tenant in this way is in everyone’s interest and aids the smooth progression of works. A tenant is of course, also under an obligation to allow reasonable access to the landlord, or his appointed workmen. Keeping the occupier informed of what is going on helps no end in these circumstances. A managing agent, if any or a solicitor can advise you more specifically about this, particularly if you run into difficulties during the course of works. The Council itself has a private tenant liaison officer who may be able to advise if tenancy relations seriously break down. The Tenancy relations Officer is situated within the Housing Advice Service, and assists both tenants and landlords in the private sector. The Officer will investigate claims of harassment and illegal evictions and if necessary use available statutory powers to take legal action against an offending landlord. Contact: Southend (01702) 215494.
There are few national performance indicators or targets set by central government for private sector housing. But indicators have been set to measure the rate of annual progress of dealing with dwellings that are unfit for human habitation, and for empty homes, under the framework of Best Value Performance Indicators (BVPIs).

More recently, the government has indicated that it wants to develop a specific target in respect of tackling homes that do not meet the ‘decency standard’. For the time being the government has indicated that it’s broad target is to reduce the number of non-decent dwellings each year.

APPENDIX 11: NATIONAL PERFORMANCE INDICATORS AND LOCAL TARGETS

<table>
<thead>
<tr>
<th>National Performance Indicators</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>BVPI 64 Empty private sector dwellings returned to occupation</td>
<td>The number of private sector vacant dwellings that are returned into occupation or demolished during the year as a direct result of action by the local authority. This includes any dwelling that the Council considers was re-occupied or demolished during the year directly as a result of action it undertook or initiated.</td>
</tr>
<tr>
<td>Decent Homes Standard</td>
<td>Proportion of decent private sector homes to be increased to 70% by 2010</td>
</tr>
</tbody>
</table>
In addition to the above indicators, the Council itself has developed local targets some of which relate to the national indicators and some others which are purely local, as follows:

<table>
<thead>
<tr>
<th>Local Performance Targets (Private Sector Housing)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>[Source: Service Delivery Plan 2005-2008]</td>
<td></td>
</tr>
<tr>
<td><strong>DETAIL</strong></td>
<td><strong>ANNUAL TARGET (2005/6)</strong></td>
</tr>
<tr>
<td>BVPI 62 Proportion of unfit private sector dwellings made fit/ demolished</td>
<td>1.4% of all unfit dwellings</td>
</tr>
<tr>
<td>BVPI 64 Empty private sector dwellings returned to occupation</td>
<td>5 dwellings</td>
</tr>
<tr>
<td>Expenditure on mandatory disabled facilities grants</td>
<td>£600,000</td>
</tr>
<tr>
<td>Expenditure on housing assistance (grants and loans)</td>
<td>£1,156,000</td>
</tr>
<tr>
<td>Response to enquiries (including complaints from tenants)</td>
<td>5 working days from receipt</td>
</tr>
</tbody>
</table>
(Extract of Section 604 of the Housing Act 1985)

“A dwelling house is fit for human habitation….. unless in the opinion of the local housing authority, it fails to meet one or more of the requirements in paragraphs (a) to (i) below and, by reason of that failure, is not reasonably suitable for occupation,-

a. it is structurally stable

b. it is free from serious disrepair

c. it is free from dampness prejudicial to the health of the occupants (if any)

d. it has adequate provision for lighting, heating and ventilation

e. it has an adequate piped supply of wholesome drinking water

f. there are satisfactory facilities in the dwelling-house for the preparation and cooking of food, including a sink with a satisfactory supply of hot and cold water

g. it has a suitably located water-closet for the exclusive use of the occupants (if any)

h. it has, for the exclusive use of the occupants (if any), a suitably located fixed bath or shower and wash-hand basin each of which is provided with a satisfactory supply of hot and cold water; and

i. it has an effective system for the draining of foul, waste and surface water;

and any reference to a dwelling-house being unfit for human habitation shall be construed accordingly.”
### APPENDIX 13:
SUMMARY OF CONSULTATION RESPONSES

<table>
<thead>
<tr>
<th>Consultee</th>
<th>Summary Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Local Financial Institutions</strong></td>
<td><em>Institutions generally interested in principle in provision of wider range of loans (presumably as new business), but more particularly equity release schemes.</em></td>
</tr>
<tr>
<td></td>
<td><em>Concern expressed that release of equity capital may prejudice benefit entitlements.</em></td>
</tr>
<tr>
<td></td>
<td><em>Wanted Council to underwrite any risk.</em></td>
</tr>
<tr>
<td></td>
<td><em>Would want fees paid from housing assistance funding by Council and/or applicant.</em></td>
</tr>
<tr>
<td></td>
<td><em>Expressed reservations about dealing with low earning households in relation to their credit reference systems and existing policies.</em></td>
</tr>
<tr>
<td></td>
<td><em>Could offer unsecured loans with a different scoring system.</em></td>
</tr>
<tr>
<td></td>
<td><em>Local branches mostly not able to make policy decisions themselves (defer to head office) and at present offer a fixed range of own branded loan products.</em></td>
</tr>
<tr>
<td></td>
<td><em>One institution had a broker offering a far wider range of loan products including a few equity release schemes.</em></td>
</tr>
<tr>
<td></td>
<td><em>No further interest from any local financial institution after follow up correspondence.</em></td>
</tr>
</tbody>
</table>

| **Owner - Occupiers**   | *A straw poll was held of those people attending the consultation to get a feel of their own circumstance. Of those present, most (4) had no mortgage on their properties i.e. had full equity. Most had occupied their properties for many years. Only 1 had lived in their home for less than 5 years, and 4 of the 7 for more than 15 years. Only 1 had received a grant in previous years from the Council. 6 out of 7 appeared to be elderly (60 years plus) with 1 younger homeowner. These tie in with their longevity of occupation and their proportion of equity.* |


The participants were invited to comment on their likely take up of loans if grants became unavailable, when the following points were made:

- Main barrier to accessing a loan (high street or Council) was the ability to afford repayments, not surprisingly.

- Faced with different options the consensus was that the type of assistance offered should be geared to individual means testing as circumstance can be different.

- Offered the option of an interest free loan charged against the property, all present indicated likely acceptance. The idea of a charge didn’t appear to deter.

- Some commented that they thought the Council should charge interest or lose the value of the capital over what could be a long period until sale of a property.

- Most seemed happy with the principle of a maturity loan where interest was rolled up and payable later with the capital.

- All agreed firmly that a 5 year owner-occupation condition requiring full repayment if the property was sold within 5 years should be applied.

- When discussing ‘high street’ lenders the Council as an alternative seemed far more preferable as the Council was considered trustworthy. Concern was expressed about changing circumstances threatening the ability to repay loans agreed with private lenders.

- Only 1 or 2 had thought about equity release as a means of funding works to their properties – one lady commented that she thought that such loans only applied to householders over 70 years i.e. the perception was of very narrow eligibility criteria (may or may not be the case). Lack of trust was mentioned again here (small print etc).

- There didn’t appear to be much objection to loans on the basis of relatives not being able to inherit the full value of properties.
Attendees were invited to comment on any perceived/real barriers to obtaining funding for repairs and improvements:

- Most said that finding a suitable builder difficult (particularly for grant works)
- All were in favour of a suggestion that the Council provides an approved list of contractors
- Most found the completion of forms difficult (forms in general)
- Some expressed concern at the speed (slowness) of Council surveys – the waiting list and inspection systems were explained
- Some wanted to be able to check on an ad hoc basis where they were on the Council’s waiting list – they were reminded of our grant telephone number.
- One person asked if he might get greater priority if he’d undertaken some of the work himself leaving less to be grant aided. He was advised this made no difference – the nature of works affected priority only in as much that more obviously urgent works resulted in more points.
- One person asked about the grant allocation (concerned that it all might be spent at the beginning of the year) and the dynamics of grant offers and payments were explained.
- All naturally seemed concerned at the effect of the new system on their enquiry. They were told about the likely transitional arrangements where it was hoped to continue processing existing unapproved applications as grants under the new system.
- Attendees were told the existing waiting list for grant enquiries would not be scrapped but used as the basis for future inspections i.e. they would still receive a visit.
- One lady asked about the availability of disabled grants for adaptations and that mechanism of assistance was explained.
- The biggest concern appeared to be getting the new housing assistance system up and running i.e. uncertainty and potential delay.
### Landlords & Managing Agents

- If HMO licensing introduced in 2005, will need one-off grant assistance for any improvement beyond the existing standard.

- Any landlord has a responsibility to repair, but improvements may be a more suitable target for assistance.

- Recognised need to assist elderly poor owner occupiers, but suggests a bigger slice of cake than now for landlords.

- If any condition requires nominations, may involve restrictions in rent which might be okay for grants, but not for loans.

- Any assistance should be tied closely to the actual ability or not to fund works privately, e.g. via equity loans for owner occupiers.

- Grants are unnecessary for speculative landlords e.g. portfolio owners from London, who have availability of commercial loans.

- Very relevant how someone becomes a landlord. Need to consider assistance or at least advice for other landlords such as those inheriting a single property, with no knowledge of how to manage or protect their investment.

- Some equity release schemes are very limited and potentially very expensive, such that elderly unlikely to take up.

- Generally – Agreed need to sell idea of “maturity” loans (repayment only on sale) rather than equity release schemes to the elderly.

- If try to set grant or loan conditions of housing benefit recipients or other Council nominations, unlikely to get any take up. (Warm Front given as example).

- A basic issue is to decide apportioning of any budget between improvements in quality and quantity (of supply of scarce housing).

- Landlords and agents – Generally happy with 5 year lettings condition on existing grants. Does not present a deterrent to application.

- Landlords would be very unhappy if any condition specified a particular type of tenant.
- Landlords and agents – conditions may put off landlords if only low amounts of grant involved, as often many thousands of pounds required anyway to refurbish by redecoration, etc before re-letting after registered tenants leave.

- Indicated any nomination conditions would be only likely to be applied to empty homes as Council understood the reluctance of landlords in this general respect.

- Landlords and agents – Would like housing assistance in general to get a bigger share of the wider Council capital pot.

- If limited budget continues, better to have a few larger cases, rather than a greater number involving assistance less than £1,000.

- Encourage higher grants for higher quality by paying assistance fees for professional agents/surveyors to get selection of better contractors. Generally agreed that this applies better to higher cost jobs rather than small works for owner occupiers.

- Raised question (unanswered) as to whether the receipt of a loan as opposed to grant might affect a landlord’s tax position.

- Where a landlord owns more than 3 properties, commercial loans should not be a problem to obtain. Converse is true for smaller landlords who can only demonstrate a limited income from rents.

- Repair of windows by replacing with new double glazing has only in recent times become regarded as a “repair” eligible for tax allowance rather than as an “improvement”.

- Doubtful about landlord accreditation schemes unless a clear benefit for participating landlords is evident. For example work well where properly funded and staffed in university towns or in low demand areas, but little advantage locally at present.

- High present local demand. Up to 14 enquiries on the first day of advertising a flat to rent.

- A Certificate of Competence has been launched, at a cost to landlords of £240. Could Council sponsor such a scheme? RICS may have doubts about how meaningful such a certificate might be and has doubts about compliance with existing alternative management schemes such as under ARLA.
Blocks to Supply of Rented Accommodation

- Failure to sort housing benefit shortfall problems on rents.
- Costs of making good after tenants leave.
- Lack of ability to get bad tenants out quickly.
- Landlords and agents – Unfair competition from RSLs in traditional housing areas where they are said to take “the cream” of tenants. Fairer if they would stick to larger scale development such as new builds or commercial conversion to housing. As RSLs already have an unfair competitive advantage. Grants to them would potentially increase this.
- Commercial loans unobtainable for refurbishment of dilapidated empty homes as banks loan on only existing values and not on speculative future values.

Short term loans to refurbish empties might be all that would be required to allow market to work.
Enquiries for housing renewal grants (excludes mandatory disabled facilities grants) received before 29th April 2005, including formal grant applications made but not formally approved will be subject to the following transitional provisions;

- Such enquiries will continue to be processed and approved under the powers provided by the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 and in accordance with this policy document.

- The eligibility criteria and maximum grant limits for such enquiries where a dwelling has already been inspected by the Council and an application for assistance invited by the Council (by the forwarding of a schedule of eligible works and application form) before the date indicated, or for formal applications for assistance already made before the same date, will remain unchanged from those applying under the former housing assistance policy.

- These former criteria will strictly apply only to those limited enquiries/applications outlined for a temporary period ending with the completion (final payment) of those specific grant cases.

- Enquiries for housing grants received before the date indicated but not already inspected and an application invited by the Council (by the forwarding of a schedule of eligible works and application form) will be subject to the process and eligibility criteria and other provisions of this amended policy appertaining to the new housing assistance grants and/or loans as outlined earlier in this document.
## APPENDIX 15:
### MANDATORY DUTIES\(^{35}\) FOR LOCAL HOUSING AUTHORITIES

<table>
<thead>
<tr>
<th>Legislation</th>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Housing Act 1985</td>
<td>189</td>
<td>Duty to determine the most satisfactory course of action in respect of unfit dwelling houses (includes flats) and power to serve a repair notice.</td>
</tr>
<tr>
<td></td>
<td>264</td>
<td>Power to make a Closing Order in respect of an unfit dwelling or HMO.</td>
</tr>
<tr>
<td></td>
<td>265</td>
<td>Power to make a Demolition Order in respect of an unfit dwelling or HMO.</td>
</tr>
<tr>
<td></td>
<td>334</td>
<td>Duty to inspect, report and prepare proposals in respect of overcrowding.</td>
</tr>
<tr>
<td></td>
<td>605</td>
<td>Duty to inspect housing conditions in the district at least annually, and to determine action to be taken.</td>
</tr>
<tr>
<td></td>
<td>606</td>
<td>Duty of the proper officer to report when a dwelling or house in multiple occupation is unfit for habitation.</td>
</tr>
<tr>
<td>Environmental Protection Act 1990</td>
<td>90</td>
<td>Duty to serve a notice in respect of any premises in such a state as to be prejudicial to health or a nuisance.</td>
</tr>
<tr>
<td>Building Act 1984</td>
<td>59</td>
<td>Duty to serve a notice requiring works were premises has inadequate drainage etc.</td>
</tr>
<tr>
<td></td>
<td>72</td>
<td>Duty to require satisfactory means of escape from fire to buildings containing flats where any storey is 20 feet or more above the ground.</td>
</tr>
<tr>
<td>Housing Grants, Construction &amp; Regeneration Act</td>
<td>Part 1</td>
<td>Duty to determine applications for mandatory disabled facilities grant, and to refuse or approve, and then later make relevant grant payments on satisfactory completion of works.</td>
</tr>
</tbody>
</table>

35 A number of important current statutory duties and powers contained in the Housing Act 1985 will be superseded by new provisions provided by the Housing Act 2004, subject to commencement order.
<table>
<thead>
<tr>
<th>Act</th>
<th>Section(s)</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Housing Grants, Construction &amp; Regeneration Act 1996</td>
<td>81 &amp; 82</td>
<td>Power to serve a deferred action notice in respect of an unfit dwelling</td>
</tr>
<tr>
<td>Housing Grants, Construction &amp; Regeneration Act 1996</td>
<td>86</td>
<td>Duty to serve a minded to take action notice in respect of an unfit dwelling or house in multiple occupation.</td>
</tr>
<tr>
<td>Home Energy Conservation Act 1985</td>
<td>All</td>
<td>Duty to prepare a strategy in energy conservation in residential properties in the district setting out how significant reduction in energy consumption is to be achieved over a 10 year period &amp; to report annually to the Secretary of State on progress.</td>
</tr>
</tbody>
</table>
### APPENDIX 16:
**DISCRETIONARY POWERS\(^{36}\) OF LOCAL HOUSING AUTHORITIES**

The following table includes the main discretionary powers of the Council in relation to private sector housing matters:

<table>
<thead>
<tr>
<th>Legislation</th>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Housing Act 1985</td>
<td>190</td>
<td>Power to serve repair notice in respect of a dwelling in substantial disrepair, or of material discomfort to an occupying tenant.</td>
</tr>
<tr>
<td></td>
<td>193</td>
<td>Power to execute works in default in respect of a notice not complied with.</td>
</tr>
<tr>
<td></td>
<td>338</td>
<td>Power to serve notice in respect of overcrowded dwelling.</td>
</tr>
<tr>
<td></td>
<td>335</td>
<td>Power to require information about persons residing in a dwelling.</td>
</tr>
<tr>
<td></td>
<td>336</td>
<td>Power to require production of rent book.</td>
</tr>
<tr>
<td></td>
<td>346</td>
<td>Power to make a registration scheme in respect of houses in multiple occupation (HMO).</td>
</tr>
<tr>
<td></td>
<td>352</td>
<td>Power to require works to an HMO to make it fit for occupancy (amenities and fire precautions).</td>
</tr>
<tr>
<td></td>
<td>354</td>
<td>Power to limit number of occupants of HMO (Direction Order)</td>
</tr>
<tr>
<td></td>
<td>356</td>
<td>Power to require information in respect of occupancy of an HMO.</td>
</tr>
<tr>
<td></td>
<td>357</td>
<td>Power to vary or revoke an existing Direction Order</td>
</tr>
<tr>
<td></td>
<td>358</td>
<td>Power to serve an overcrowding notice in respect of an HMO.</td>
</tr>
</tbody>
</table>

\(^{36}\) A number of important current statutory duties and powers contained in the Housing Act 1985 will be superseded by new provisions provided by the Housing Act 2004, subject to commencement order.
<table>
<thead>
<tr>
<th>Act/Miscellaneous Provisions</th>
<th>Section</th>
<th>Power</th>
</tr>
</thead>
<tbody>
<tr>
<td>Housing Act 1985</td>
<td>363</td>
<td>Power to revoke or vary an existing overcrowding notice.</td>
</tr>
<tr>
<td>&quot;</td>
<td>364</td>
<td>Power to require occupancy information where an overcrowding notice in force.</td>
</tr>
<tr>
<td>&quot;</td>
<td>372</td>
<td>Power to require execution of works to remedy neglect of management in an HMO.</td>
</tr>
<tr>
<td>&quot;</td>
<td>375</td>
<td>Power to execute works in default following service of a notice on an HMO.</td>
</tr>
<tr>
<td>&quot;</td>
<td>379</td>
<td>Power to make a Control Order in respect of an HMO.</td>
</tr>
<tr>
<td>Building Act 184</td>
<td>79</td>
<td>Power to require works to a ruinous or dilapidated building.</td>
</tr>
<tr>
<td>Public Health Act 1961</td>
<td>17</td>
<td>Power to require works in respect of defective drainage etc in premises.</td>
</tr>
</tbody>
</table>
The Council’s Local Performance Plan provides an overview of the Council’s key aims and objectives. In addition, the Council produces or contributes to a range of key strategies and other plans, most of which are listed in the Council’s Housing Strategy Statement together with relevant contact details.

The Housing Strategy containing more details together with a number of these other linked strategies and plans can be accessed on the Council’s own website: www.southend.gov.uk. Follow the links for ‘Housing’ and ‘Housing Strategies’ to reach the relevant documentation.
### Total numbers of dwellings affected by different combinations of house condition problems within the Borough

<table>
<thead>
<tr>
<th>Southend Borough Private dwelling stock (68,600 dwellings)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Decent 54,800 dwellings (80%)</td>
</tr>
<tr>
<td>Not Decent 13,800 dwellings (20%)</td>
</tr>
<tr>
<td>Unfit Dwellings</td>
</tr>
<tr>
<td>• 3,400 dwellings (5%).</td>
</tr>
<tr>
<td>• Pre 1919 dwellings</td>
</tr>
<tr>
<td>• Private rented sector - Majority unfit dwellings with younger heads of household and low income.</td>
</tr>
<tr>
<td>• Owner-occupied sector - Mainly older dwellings and associated with older heads of household. Also relates to those on low incomes and benefits.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Lacking modern facilities</th>
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<tbody>
<tr>
<td>• Only 210 failures found (less than 1%), but this is typical of the position across England.</td>
</tr>
<tr>
<td>• Too few to analyse specifically</td>
</tr>
<tr>
<td>• Requirement is for bathrooms to be no more than 20 years old and kitchens no more than 30 years old. Also requires modern electrics and an up to date boiler. Multiple failures required for dwelling to fail.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Thermal Comfort failure</th>
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</thead>
<tbody>
<tr>
<td>• 8,800 dwellings (13%).</td>
</tr>
<tr>
<td>• Private rented sector - Many dwellings with poor heating, encourage landlords.</td>
</tr>
<tr>
<td>• Owner-occupied sector - Concentrate on insulation as well as heating systems, particularly for older occupiers on low income</td>
</tr>
<tr>
<td>• Some older solid wall dwellings, makes this a difficult category to tackle</td>
</tr>
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<thead>
<tr>
<th>Repair failures</th>
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<tbody>
<tr>
<td>• 4,100 dwellings (6%)</td>
</tr>
<tr>
<td>• Wider spread, particularly in older dwellings</td>
</tr>
<tr>
<td>• Private rented sector- Majority of substantial disrepair dwellings, flats, need advice to landlords</td>
</tr>
<tr>
<td>• Owner-occupied sector - Associated with older residents and older dwellings.</td>
</tr>
</tbody>
</table>
A Decent Home
‘The Definition and Guidance for Implementation’ ODPM February 2004

- Definition; to be ‘decent’ a dwelling must:
  - Meet the fitness standard, and
  - Be in reasonable repair (building components), and
  - Have reasonably modern facilities & services (4 from 6), and
  - Provide a reasonable degree of thermal comfort (50mm minimum loft insulation & central heating)

- The national policy focus for the private sector is on reducing the number of non-decent homes occupied by vulnerable households.

- This is to be achieved by a combination of policies which involve a range of assistance, advice, encouragement and enforcement (as a last resort).

- Local authorities will want to offer a tailored package of financial incentives depending on the precise circumstances of each case.

- Enforcement action will remain a key part of the strategy for dealing with non-decent homes. Relying on enforcement action alone is unlikely to result in a thriving and high quality private rented sector.

- ‘Vulnerable households’ are defined as those in receipt of at least one of the principal means tested benefits:
  - income support
  - income based jobseeker’s allowance
  - housing benefit
  - council tax benefit
  - working tax credit (income less than £14,200)
  - child tax credit (income less than £14,200)
  - pension credit (income less than £14,200)
  - attendance allowance
  - disability living allowance
  - industrial injuries disablement benefit
  - war disablement pension

- 1.2 million vulnerable households occupy private sector non-decent homes nationally (2001)

- Decent home target implementation plan stipulates that the relevant target percentages for vulnerable households living in decent homes should be:
  - 65% by 2006
  - 70% by 2010
  - 75% by 2020
  - Baseline in 2003 was 43%
APPENDIX 20: SOUTHEND ‘ENERGY EFFICIENCY STANDARD’ FOR PRIVATE SECTOR DWELLINGS

The Energy Efficiency Standard against which all private sector dwellings will be judged, and to which it will be the Southend Borough Council’s policy aim to work towards where possible for every dwelling in which Housing Assistance is given by the Council is as follows:

- **Loft insulation** to a depth of 200 mm [8 inches] - either first time provision or top up – including loft hatch insulation, and storage platform where required.
- **Cold water tank[s] insulation** and **cold pipe insulation** within the loft space
- **Hot water tank jacket** [where present] of minimum 75 mm or foam insulation [any depth].
- **Cavity insulation** [where present] to fill cavity with BBA certified material
- **Upgraded heating controls** [where central heating] to provide room thermostat, cylinder thermostat [where present], programmer, motorised valve[s], and fully pumped system
- **First time provision of central heating** but only where householders not eligible for ‘Warm Front’ grant and otherwise within defined ‘vulnerable’ household group.
- **Thermostatic radiator valves [TRVs]** where central heating existing/provided