



Giving permission as a landlord for adaptations which are self-funded, funded through a Disabled Facilities Grant or other funding.

01 July 2015

Policy	Landlords Permission for adaptations self-funded, a funded through a Disabled Facility Grant or other funding.
Users of Policy	CBC Staff, CBH staff
Date Adopted	June 2014
Date last Reviewed	June 2015
Review Frequency	Upon a relevant change of legislation, or in response to a change of relevant CBC Policy, in particular the Adaptations Policy.
Best Before Date	30 June 2018
<b>Scheme of Delegation</b>	
Formation of Policy	Portfolio Holder for Housing
Amendments	Portfolio Holder for Housing
Monitoring	Housing Client Co-Ordinator
Implementation	Housing Client Co-Ordinator
Approval of	Housing Asset Manager, delegated to Adaptations Manager, Colchester Borough Homes

## **1.0 Aims of Policy**

- 1.1 To set out the Council's approach to requests from Colchester Borough Council tenants for permission for works to be carried out adaptations self-funded, funded through a Disabled Facility Grant or other funding.
- 1.2 To ensure that all applications are assessed consistently using criteria which are transparent.
- 1.3 To support and compliment the established Adaptations Policy.

## **2.0 Legislation, Guidance and Background**

- 2.1 **Housing Grants, Construction and Regeneration Act 1996 (c.53 23 s1)** The Disabled Facilities Grant is a means tested grant governed by legislation. Certain criteria have to be met to ensure eligibility. Those eligible to apply are Owner Occupiers, Private Tenants, Landlords with disabled Tenants, Housing Association Tenants and some occupiers of Caravans and Houseboats.

Local Housing Authorities should not approve an application for a grant unless they are satisfied that:

- The relevant works are necessary and appropriate to meet the needs of the disabled occupant.
- It is reasonable and practical to carry out the relevant works having regard to the age and condition of the building.

The Act also states that in a property owned by a landlord, permission must be sought for any structural alterations. A landlord cannot withhold permission without good reason. (Disability Discrimination Act 1995 succeeded by Equalities Act 2010).

2.2 **Local Government Act 2000: Fettering Discretion:** An Authority will be acting unreasonably where it refuses to hear applications or makes certain decisions without taking individual circumstances into account by reference to a certain policy.

2.3 **Colchester Borough Council's Adaptations Policy** sets out how requests for aids and adaptations from Council tenants to make their homes more suitable to meet their needs will be dealt with. Its aim is to set out the criteria by which Colchester Borough Council will assess requests for adaptations to its properties and manage the expectations of tenants in need of adaptations and manage the Council's stock effectively.

If a tenant's circumstances do not meet the criteria the application under the Adaptations Policy is refused. If refused, a tenant is still able to apply for a Disabled Facilities Grant to fund works.

2.4 Adaptations carried under the Adaptations Policy are funded through the Housing Revenue Account (HRA). Works carried out under a Disabled Facilities Grant are funded through the General Fund, and the Council receives a government subsidy towards this expenditure. However, in the case of a DFG to a council owned property, the whole amount has to be funded from the HRA. Therefore to ensure that the costs of adaptations to Council properties are born by the Council as a landlord, the initial principle is that adaptations should be funded through the HRA and requests for adaptations should be considered under the Council's Adaptations Policy.

### 3.0 The Policy

3.1 The Council has a robust Adaptations Policy which seeks to balance the needs of tenants with making best use of the Council's housing stock. Therefore, tenants should apply in the first instance to the Council under the Adaptations Policy.

3.2 A request for permission to carry out adaptations self-funded, funded through a Disabled Facility Grant or other funding to a Colchester Borough

Council home will only be considered if the tenant has already had a request for an adaptation refused under the Council's adaptations policy.

3.3 In considering whether to give permission for work to be carried out where it is funded by a Disabled Facility Grant to a Colchester Borough home the Council will take into consideration the following criteria:

- The reasons for refusal under the Adaptations Policy and whether these are still valid.
- Whether the improvement may affect the best use of stock by making a home more difficult let in future.
- Whether other options available to meet the adaptation needs of the tenant, including provision of alternative accommodation have been exhausted.
- Whether there are exceptional circumstances why the tenant cannot meet the criteria for assistance through the Adaptations Policy.

3.4 Applications for permission to carry out work will usually be refused if:

- the refusal under the Adaptations Policy is found to still be valid,
- the adaptation may affect the future letting of the stock,
- other options have not been exhausted
- there are no documented exceptional circumstances

3.5 Applications will be approved if the refusal under the Adaptations Policy is found not valid. In this circumstance the work will be carried out under the Adaptations Policy.

#### **4. Appeals Procedure**

4.1 Where there has been a significant change in circs between the application for an adaptation under the council's policy and the application for a DFG the applicant will be advised to reapply for an adaptation under the Council's Adaptations policy.

4.2 Where an applicant is appealing against how this policy has been applied a Senior Officer will investigate the case and respond, setting out their findings and whether the appeal is upheld or dismissed.

#### **5. Service Standards**

- Acknowledgement, including the name and telephone number of the Officer dealing with the application – within 5 working days of receipt.
- Acknowledgement of outcome of application within 14 working days.
- Appeals Acknowledgement, including the name and telephone number of Officer dealing with the appeal – within 5 working days of receipt.
- Outcome of Appeal – within 28 working days.

## **6. Monitoring and Review**

- 6.1 We will monitor our performance in meeting the Service Standards set out in this Policy.
- 6.2 A review will be conducted after the 1<sup>st</sup> year of implementation to consider whether the Policy and Procedures have improved the efficiency and effectiveness of dealing with Landlord's Permission for DFG Works requests for both the applicants and staff of Colchester Borough Council and Colchester Borough Homes.
- 6.3 Future reviews will be conducted when there is a significant change in legislation or when the Council's Adaptations Policy is reviewed, to ensure that the policies remain complementary.

## **7. Communicating the Policy to Staff**

- The Landlords Permission for DFG works Policy will be made available to all staff responsible for the implementation of the policy
- A copy of the policy will be placed on the intranet and accessible to both CBC and CBH officers
- Any amendments to the policy will be communicated to staff involved in its implementation

## **8. Communicating the Policy to Customers**

- A copy of the policy will be available to clients upon request
- The policy will be available on the Colchester Borough Council's and Colchester Borough Homes websites