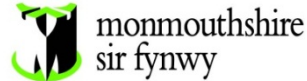


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Neuadd y Sir
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Tuesday, 17 July 2018

Dear Councillor

INDIVIDUAL CABINET MEMBER DECISIONS

Notice is hereby given that the following decisions made by a member of the cabinet will be made on Wednesday, 25 July 2018.

1. **BED & BREAKFAST POLICY** 1 - 26

Division/Wards Affected: All Wards
CABINET MEMBER: County Councillor Greenland

AUTHOR: Ian Bakewell, Housing & Communities Manager

CONTACT DETAILS:
E-mail: ianbakewell@monmouthshire.gov.uk
Telephone: 01633 644479

2. **REVIEW OF HOUSING RENEWALS POLICY** 27 - 74

Division/Wards Affected: All Wards
CABINET MEMBER: County Councillor Greenland

AUTHOR: Ian Bakewell, Housing & Communities Manager

CONTACT DETAILS:
E-mail: ianbakewell@monmouthshire.gov.uk
Telephone: 01633 644479

3. **PRIVATE SECTOR HOUSING LOAN SCHEMES - CHANGE OF TERMS** 75 - 104

Division/Wards Affected: All Wards
CABINET MEMBER: County Councillor Greenland

AUTHOR: Stephen Griffiths, Strategy & Policy Officer

CONTACT DETAILS:
Tel: 01633 644455
E-mail: stephengriffiths@monmouthshire.gov.uk

4. **INDEPENDENT CARE HOME FEES IN MONMOUTHSHIRE 2018-19** 105 - 138

Division/Wards Affected: All Wards

CABINET MEMBER: County Councillor P Jones

AUTHOR: Nicola Venus-Balgobin, Contracts Manager

CONTACT DETAILS:

Tel: 07980 740171

E-mail: nicolavenus-balgobin@monmouthshire.gov.uk

Yours sincerely,

Paul Matthews
Chief Executive

CABINET PORTFOLIOS

County Councillor	Area of Responsibility	Partnership and External Working	Ward
P.A. Fox (Leader)	Whole Authority Strategy & Direction CCR Joint Cabinet & Regional Development; Organisation review; Regional working; Government relations; Public Service Board; WLGA.	WLGA Council WLGA Coordinating Board Public Service Board	Portskewett
R.J.W. Greenland (Deputy Leader)	Enterprise Land use planning; Economic development; Tourism; Development control; Building control; Housing & homeless; Leisure; Youth; Adult education; Outdoor education; Community Hubs; Cultural services.	WLGA Council Capital Region Tourism	Devauden
R.P. Jordan	Governance Council & Executive decision support; Scrutiny; Regulatory Committee standards; Member support; Community governance; Elections; Democracy promotion & engagement; Law; Ethics & standards; Whole authority performance; Whole authority service planning & evaluation		Cantref
R. John	Children & Young People School standards; School improvement; School governance; EAS overview; Early Years; Additional Learning Needs; Inclusion; Extended curriculum; Admissions; Catchment areas; Post 16 offer; Coleg Gwent liaison	Joint Education Group (EAS) WJEC	Mitchel Troy
P. Jones	Social Care, Safeguarding & Health Children; Adult; Fostering & Adoption; Youth offending service; Supporting people; Whole authority safeguarding; Disabilities; Mental health; Health liaison		Raglan
P. Murphy	Resources Finance; Information technology (SRS); Human Resources; Training; Health & Safety; Emergency planning; Procurement; Audit; Land & buildings (inc. Estate, Cemeteries, Allotments, Farms); Property maintenance; Digital office; Commercial office.	Prosiect Gwrydd Wales Purchasing Consortium	Caerwent
S.B. Jones	County Operations Highways maintenance, Transport, Traffic & Network Management; Fleet management; Waste including recycling; Public conveniences; Car parks; Parks & open spaces; Cleansing; Countryside; Landscapes &	SEWTA Prosiect Gwyrdd	Goytre Fawr

	biodiversity; Flood Risk.		
S. L. Jones	Social Justice & Community Development Community engagement; Deprivation & Isolation; Community safety; Social cohesion; Poverty; Equalities; Diversity; Welsh language; Public relations; Trading standards; Environmental Health; Licensing; Communications		Llanover

Aims and Values of Monmouthshire County Council

Our purpose

Building Sustainable and Resilient Communities

Objectives we are working towards

- Giving people the best possible start in life
- A thriving and connected county
- Maximise the Potential of the natural and built environment
- Lifelong well-being
- A future focused council

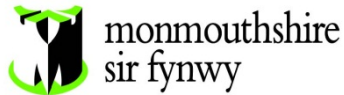
Our Values

Openness. We are open and honest. People have the chance to get involved in decisions that affect them, tell us what matters and do things for themselves/their communities. If we cannot do something to help, we'll say so; if it will take a while to get the answer we'll explain why; if we can't answer immediately we'll try to connect you to the people who can help – building trust and engagement is a key foundation.

Fairness. We provide fair chances, to help people and communities thrive. If something does not seem fair, we will listen and help explain why. We will always try to treat everyone fairly and consistently. We cannot always make everyone happy, but will commit to listening and explaining why we did what we did.

Flexibility. We will continue to change and be flexible to enable delivery of the most effective and efficient services. This means a genuine commitment to working with everyone to embrace new ways of working.

Teamwork. We will work with you and our partners to support and inspire everyone to get involved so we can achieve great things together. We don't see ourselves as the 'fixers' or problem-solvers, but we will make the best of the ideas, assets and resources available to make sure we do the things that most positively impact our people and places.



SUBJECT:	Bed & Breakfast Policy
MEETING:	Single Cabinet Member Decision
DATE:	25th July 2018
DIVISION/WARDS AFFECTED:	All

1.0 PURPOSE

1.1 The purpose of this report is to seek approval to adopt a proposed policy for the use of Bed & Breakfast (B & B) for homeless purposes. Establishing a policy was a recommendation of the Adults Select Committee on 20th March 2018.

2. RECOMMENDATIONS

2.1 To consider the circumstances in which the Council needs to use B & B for homeless purposes and the standard of service that should be provided, including being assured in respect of applicants and other occupiers.

2.2 To consider the attached draft B & B policy. **See Appendix 1**

2.3 To agree and adopt the proposed B & B Policy, which will be reviewed on annual basis.

2.4 That Adults Select Committee receive an annual update on B & B use and

3. KEY ISSUES

3.1 Under the Housing (Wales) Act 2014, the Council has a duty to respond to homelessness. The focus of the Act is homeless prevention. However, where homelessness cannot be prevented the Council has other duties, including accommodation duties. In the event of homelessness, the Act requires the Council to:

- provide interim accommodation for applicants in priority need (S.68). The definition of priority need includes families with children and 16/17 year olds.
- help secure (this is not an absolute duty) accommodation and (S.73)
- a duty to secure accommodation for applicants in priority need (S.75)

3.2 Nevertheless, accessing an adequate supply of accommodation is an on-going challenge for the Council. Not only is homeless accommodation itself in short supply together with social housing, but it is a small part of the wider Monmouthshire housing market, which also has an under-supply of affordable accommodation. The rural nature of the County further compounds the situation. **See Appendix 2.**

3.3 There are a number of challenges providing homeless accommodation. This includes there being only one family hostel (which is in Monmouth), the private leasing scheme has contracted over recent years, private sector accommodation is difficult to access and MCC accommodation is typically at capacity. Also there is a need to have regard to the Homelessness (Suitability of Accommodation) (Wales) Order 2015 and the Council needs to be mindful of safeguarding and community safety issues.

- 3.3 On occasions, therefore, the use of B & B may be necessary. This, however, is always an absolute last resort and if no other suitable accommodation can be sourced.
- 3.4 This report proposes that the Council adopt a policy for the use of B & B. The policy will provide a framework and standards within which the Council will work. It also provides a basis against which the provision of B & B will be monitored. The policy particularly seeks to support the Council's Safeguarding Policy.
- 3.6 Although it is proposed to establish a B & B policy, the on-going focus needs to be to continue to try and avoid the use of B & B by seeking to further strengthen homeless prevention and to identify additional forms of accommodation. **Appendix 3** provides an overview of proposed current key actions, some of which are in progress.

4. OPTIONS APPRAISAL

4.1 The following options are available and are evaluated in **Appendix 4**:

- **Option 1** – Continue with the status quo and have no B & B policy in place.
- **Option 2** – Establish a B & B policy and take no further action
- **Option 3** - Establish a B & B policy whilst also seeking to continue to strengthen homeless prevention and introduce new accommodation options, particularly a supported lodgings scheme, that will help to mitigate against B & B use. Such schemes may not, however, provide provision for applicants assessed as unsuitable through risk assessment processes.

5. OPTIONS EVALUATION

5.1 Additional evaluation over and above that listed above is detailed in **Appendix 4**.

4. REASONS:

4.1 The Council has a legal duty to prevent and respond to homelessness under the Housing (Wales) Act 2014 and to comply with The Homelessness (Suitability of Accommodation) (Wales) Order 2015.

5. RESOURCE IMPLICATIONS:

5.1 There are cost implications to the Council to placing households in B & B. The gross expenditure for 2017/18 was £33,673. A level of this will be off-set by Housing Benefit payments made directly to the Council, where eligible.

5.2 The Council has a budget for short-term accommodation needs. It's not anticipated that the proposed policy will create any additional net costs.

5.3 At present applicants aren't charged for B & B provision. The draft policy maintains the non-charging arrangement due to the administrative implications.

5.4 To support the Council's Safeguarding Policy, since April, the Council is keeping a unit of shared accommodation vacant as a unit of emergency accommodation to reduce the need to use B & B. The gross cost of keeping this unit vacant is the loss of £86.19 per week through lost rental income.

6. SUSTAINABLE DEVELOPMENT AND EQUALITY IMPLICATIONS:

- 6.1 The proposal to develop new measures to identify new measures to strengthen homelessness prevention and seek to introduce new accommodation options. Should the Council need to reduce the level of private leasing or phase out the PLS, this will impact negatively on homeless applicants in Monmouthshire. **See Appendix 5.**
- 7. SAFEGUARDING & CORPORATE PARENTING IMPLICATIONS:**
- 7.1 The provision of accommodation for any homelessness or to prevent homelessness supports both safeguarding and corporate parenting.
- 7.2 A risk assessment procedure is undertaken prior to any B & B placement, which both considers the safeguarding of the applicant themselves or the safeguarding of other applicants/residents.
- 8. CONSULTEES:** Cabinet; Senior Leadership Team; Head of Planning; Housing and Place Shaping; Adults Select Committee.
- 8.1 The Adults Select Committee requested that B & B use is reported to the Committee on an annual basis and that the Policy is reviewed annually. The Committee also requested that the Monmouthshire church network be engaged with in respect of the Council seeking to identify additional accommodation options.
- 9. BACKGROUND PAPERS:** Housing (Wales) Act 2014; Code of Guidance for Local Authorities on Allocation of Accommodation and Homelessness – Welsh Government, March 2016; The Homelessness (Suitability of Accommodation) (Wales) Order 2015.
- 10. AUTHOR:** Ian Bakewell, Housing & Communities Manager
- 11. CONTACT DETAILS:** E-mail: ianbakewell@monmouthshire.gov.uk Telephone: 01633 644479

Appendix 2

Housing Options Team - Accommodation Overview

The current demand for homeless demand is summarised as follows:

The Council received 719 contacts in 16/17 and 533 in 17/18 about homelessness and determined the following applications:

	15/16	16/17	17/18
○ S.66 (at risk of becoming homeless within 58 days)	248	183	258
○ S.73 (actually homeless)	95	217	228
○ S.75 (actually homeless)	37	37	33
○ Total	380	337	519

The following is the accommodation resource available to the Council for homelessness:

- MCC Family Hostel, Monmouth - 5 units of emergency family accommodation
- MCC Single persons Shared Housing, Countywide – 60 units (3 further units pending) of single persons accommodation
- MCC Low Cost Home-Ownership Property – 1 unit of family accommodation
- Solas Young Persons Accommodation, Abergavenny & Chepstow – 21 units of accommodation for 16-24 year olds
- MCC Monmouthshire Lettings Service
 - 13 units (6 further unit pending) of family accommodation
 - Private Leasing Scheme – 45 units of family accommodation recently transferred over from Melin Homes. (The number of units has fallen from 56 as report to Adults Select in March 2018.
 - 62 units of single persons accommodation in shared housing
- Other eg Cyfannol refuge, MIND supported housing, Bron Afon Housing Association – this is ad-hoc accommodation
- Monmouthshire social housing stock

Appendix 3

Overview of Key Actions to Strengthen Homeless Prevention & Develop Alternative Housing Options to Private Leasing

The following actions will help to mitigate against budget pressures and help to provide additional housing options, helping to provide alternatives to using B & B.

- 'Lodgings based' Supported housing models are being investigated. A presentation by Nightstop was provided to officers on 7th December 2017. Other models have been acquired for consideration in relation to the Supporting People programme.
- A Young Persons Accommodation Officer was appointed in January 2018, providing a dedicated service for young people. This is being funded through the Supporting People Programme.
- Acquire family 'hostel' type premises for the South of the County. The Council was offered a property by a housing association prior to Christmas, but this has fallen through. There is, however, a subsequent offer to buy a property for the Council to use as a family hostel in the south.
- Funding has been acquired from WG grant to temporarily offer 'Golden Hellos' for the Monmouthshire Lettings service. This ceases at the end of March 2019.
- Two part-time benefits staff have transferred from Social Care. This has enabled the Housing Options Function of Financial Inclusion to be strengthened.
- A small Homeless Prevention Reserve has been created to offer private landlords rent guarantees.
- The monitoring of the Housing Register is an on-going priority to ensure the Register works for the Council in respect of homelessness and prevention.
- Housing Options staff have met with Tai Calon Housing Association in Blaenau Gwent County Borough Council. Tai Calon from time to time, such as in locations close to Monmouthshire, may have vacancies that the Council may be able to utilise for homeless households. This as yet hasn't facilitated any opportunities.
- Discussions have been undertaken with a local housing association about both surplus non-viable stock that may be disposed of and alternative models, the latter of which perhaps could be funded through the Welsh Government Innovative Housing Fund. No proposals have emerged as yet
- A pilot supported lodgings proposal is currently being developed with a housing support provider.
- The 'Housing First' model is being investigated.

- Discussions are on-going with a group of Monmouth Churches who are interested in providing a night-shelter for rough sleepers during the winter. Discussions about the churches supporting the said supported lodgings are also being discussed.
- Engage with the Monmouthshire church network and community to seek to identify additional accommodation options.
- Development of a joint Regional Homeless Strategy with other Gwent Council's. It is hoped that regional solutions will emerge that may support Monmouthshire needs,
- On-going development and promotion of Monmouthshire Lettings. 13 properties acquired to date.
- The Council has withdrawn from a sub-regional Prison Prep Officer scheme that aimed to provide a dedicated and early intervention service for prison leavers. The Council has now signed up to a service provided by Cornerstone in Caerphilly
- Introduce Positive Pathways for Young People – an early intervention protocol to identify young people at risk of becoming homelessness and developing a housing pathway accordingly to minimise the risk.
- Liaise with housing associations in respect of accessing existing stock
- A Supporting People and Homeless Strategic Planning group has been established. The aim of this is to more closely align the Supporting People Programme and on-going commissioning with homeless prevention and to improve the evidence base.

Appendix 4

Evaluation Criteria – Cabinet, Individual Cabinet Member Decisions & Council

Title of Report:	Homelessness & Prevention – B & B Policy
Date decision was made:	
Report Author:	Ian Bakewell

What will happen as a result of this decision being approved by Cabinet or Council?

The Council will have a policy framework within which to provide B & B and to monitor against

12 month appraisal

What benchmarks and/or criteria will you use to determine whether the decision has been successfully implemented?

The following benchmarks will be used to assess whether the decision has had a positive or negative effect:

- Requests/demand for homeless assistance
- Level of successful homeless prevention
- No. of B & B placements
- Average stay in B & B
- No. of families placed in B & B
- No. of 16/17 year olds placed in B & B
- The cost of B & B provision
- Inspections
- DBS checks

12 month appraisal

What is the estimate cost of implementing this decision or, if the decision is designed to save money, what is the proposed saving that the decision will achieve?

This proposal is cost neutral. No direct costs will be incurred as a result of the policy.

12 month appraisal

Any other comments

Housing & Communities

B & B Accommodation Placement Policy

June 2018

Introduction

This document sets out the Council's policy for the use of B & B and how homeless households will be placed into B&B. It is to be noted that B&B is only used as interim/emergency accommodation and that all applicants placed in B&B will be moved to more suitable accommodation as a priority. All efforts are made to avoid B & B placements and should any be necessary these are considered to be an absolute last resort.

To avoid or minimise the use of B & B, it is a priority of the Council to seek to prevent homelessness wherever possible together with maximizing the available accommodation options to the Council to support homeless prevention or to discharge homeless duties under the Housing (Wales) Act 2014.

The policy applies to all households placed in interim/emergency accommodation by the Council under section 68 and section 75 of the Housing (Wales) Act 2014. This policy does not apply to offers of permanent accommodation under Part VI of the Act.

The policy is compliant with the advice set by the Supreme Court in April 2015 for the case of *Nzolameso and Westminster Council*. The judgement emphasised the Authority's duty to house the tenant as close to the Borough of residence as possible, and if this is not possible to provide an explanation.

All owners of B&B's will be DBS (Disclosure & Barring Service) regulated on a 3 year basis and certificates supplied to the Authority as per the requirements of the Whole Authority Safeguarding Policy. A record will be maintained of DBS checks.

All B&B's will have been inspected by Environmental Health regardless of 'in' or 'out' of County prior to use.

All B&B's will be inspected by a member of the Accommodation Team at least annually and rated according to the Suitability of Accommodation (Wales) Order 2015. Any concerns will be reported to Environmental Health who will re-inspect the B&B.

All applicants placed into B & B will be subject to a risk assessment to determine suitability and for safeguarding purposes. Single applicants will also be subject to a S.115 referral (Crime & Disorder Disclosure) to ensure that any placement is suitable and to support Safeguarding principles. **See Appendix 1**

Prison leavers will be risk assessed prior to placement, using information from the Probation Team.

Every effort will be made to avoid the placement of applicants 16/17 years of age. Should a placement be deemed necessary, then in accordance with the Young Person Protocol, applicants will be referred to Social Services.

Housing Benefit paperwork will be completed as soon as placement confirmed with B&B.

Locata, Boards, Tenancy Change Sheet and any other applicable procedures will be updated on a daily basis.

B&B's will be contacted on a daily basis to ensure that applicants are staying at the accommodation and to discuss any concerns.

This policy seeks to ensure that all placements are made on the basis of:

- a) a comprehensive assessment of a household's circumstances and needs,
- b) a balanced assessment of the needs of all households requiring emergency accommodation against the breakdown of the type and location of accommodation that is available at any given point

This policy seeks to provide suitable emergency B&B accommodation within Monmouthshire wherever reasonably practicable. There will be cases where there is a specific reason why the household should not be accommodated within the County itself (e.g. those at risk of violence in Monmouthshire), in such cases, placement will be in an appropriate B&B out of County.

The Council is making every effort to expand the availability of B&B accommodation in Monmouthshire or close to the County but the recent trend of increasing homeless demand, the closure of many B&B businesses and the lack of homeless and/or affordable accommodation within the County, limits what can be provided locally. It is an ongoing priority to increase the number of B&B's that are used within the County.

Mitigating Against the Use of B & B

To mitigate against the use of B & B and to seek to improve the general homeless service, it is an on-going priority for the Council to continually seek to improve homeless prevention and increase housing options. In this context, the Council will utilise the family hostel at Cinderhill Street, Monmouth for emergency family accommodation. In addition, one unit of vacant house-share accommodation will be set aside for emergency purposes.

Meeting the Homelessness (Suitability of Accommodation) (Wales) Order 2015

In line with the above order, B&B's are rated according to the facilities they offer: 'basic standard accommodation' and 'higher standard accommodation'.

Basic standard accommodation:

- (a) complies with all statutory requirements (such as, where applicable, requirements relating to fire, gas, electrical, and other safety; planning; and licences for houses in multiple occupation); and
- (b) has a manager deemed by the authority to be a fit and proper person with the ability to manage B&B accommodation.

Higher standard accommodation:

- (a) the basic standard plus
- (b) accommodation that meets the higher standard contained in Schedule 1 of the Order, which sets out minimum requirements for:
 - pace standards for sleeping accommodation
 - heating installations
 - kitchen, toilet and washing facilities
 - security
 - communal areas
 - additional management standards.

The standards vary depending on the number of people or households sharing the facilities and once the standard is identified, the authority must be mindful of the timescales an applicant should stay at the B&B:

- (a) the person occupies a basic standard B&B for a period, or a total of periods, which does not exceed 2 weeks;
- (b) the person occupies a higher standard B&B for a period, or a total of periods which does not exceed 6 weeks;
- (c) the person occupies a basic standard small B&B for a period, or a total of periods, which does not exceed 6 weeks, and the authority has, before the expiry of the two-week period referred to in sub-paragraph (a), offered suitable alternative accommodation, but the person has chosen to remain in the said B&B;
- (d) the person occupies a basic standard small B&B after exercising the choice referred to in sub-paragraph (c), and the authority has offered suitable alternative accommodation before the end of the six-week period referred to in sub-paragraph (c), but the person has chosen to remain in the said B&B;
- (e) the person occupies a higher standard small B&B, and the authority has offered suitable alternative accommodation, before the expiry of the six-week period referred to in sub-paragraph (b), but the person has chosen to remain in the said B&B.

Accommodation Placement Policy

Applicants placed under this policy will not be charged for their accommodation. All applicants will be required to complete a housing benefit form, wherever practicable to do so, prior to being advised of the B & B address.

Applicants will be entitled to receive a breakfast for each night of their stay.

This policy is intended to ensure that the Council prioritise's those who have the greatest need to be accommodated in the County or as close as possible.

The Council will also take into account:

- the distance of any offer of B&B accommodation from the county
- any possible disruption to employment, education or caring responsibilities
- accessibility of essential medical facilities and support that are essential to the wellbeing of any household member
- accessibility of local amenities, services and transport

An assessment of any impact will have been completed prior to placement

The Council will not routinely provide or fund transport to B & B accommodation. However, the Council recognises that on occasions individual applicants/households may need assistance to access B & B accommodation and where applicable, may consider such cases on their individual circumstances.

Any decision regarding an allocation of B&B accommodation will have regard to the Council's obligations under the *Social Care & Well-Being (Wales) Act 2014* including the need to both safeguard and promote the welfare of children and adults as per the Council's Safeguarding Policy 2017. In addition this policy fully complies with the requirements of:

- a) The Housing Wales Act 2014
- b) The Homelessness (Suitability of Accommodation) (Wales) Order 2015.
- c) The relevant sections of the Allocations and Homelessness Code of Guidance 2016
- d) Advice from the Courts to local authorities regarding any case law.
- e) The Council's Safeguarding Policy
- f) The Young Person Protocol

Under the Council's duty to provide suitable emergency accommodation, if an applicant would rather stay with family or friends as an alternative to B & B that is acceptable and helpful and would have no detrimental impact on any duties the Council has towards any applicants. If, however, an applicant doesn't stay in B & B accommodation offered, the Council will cease the interim duty, but will continue to work with them under s73 homeless duty.

Guidelines on the Location of Accommodation

For the purposes of making an allocation, all units of B&B accommodation acquired under the above policy will be categorised simply as:

- *Within County* – Defined as B&B Accommodation located within the geographical boundary of the local authority
- *Out of County* - Defined as B&B Accommodation located outside the boundary of the local authority, but in a location as close as possible to the local authority district.

Where there are sufficient units of B&B accommodation in Monmouthshire a suitable offer will be made within the County. However, where there are insufficient units 'within County', an offer of B&B will be made outside of the County in an area as close as possible to the boundary of the local authority as possible.

How Monmouthshire County Council will prioritise households for B&B accommodation within its County boundaries when there are insufficient units of within County accommodation available at the time of placement.

Relevant facts regarding the household's circumstances will be gathered by officers in the course of their enquiries through completing the *'Assessing Households Housing Circumstances and Needs form.'* This form will be completed for all homeless applicants who require a placement into B&B accommodation.

Where it is not reasonably practicable to provide B&B accommodation within the County for all households requiring it, a series of decisions will be made about how to allocate the vacancies. The decision will include a full consideration of each household's circumstances, including a risk assessment completed.

A homeless household will be individually assessed prior to placement to determine the suitability of the offer to be made and consideration will be given to a number of factors most notably the type and location of the accommodation that may be offered.

The following households will normally be given priority for accommodation within Monmouthshire County Council. This does not mean that they are guaranteed to receive an offer of accommodation in Monmouthshire when any duty arises. It may be that, at the time any interim accommodation duty is owed, there are no vacancies in Monmouthshire. If that is the case then an offer of suitable B&B will be made as close as possible, with priority given to transfer to a suitable offer of B&B accommodation within Monmouthshire as soon as is possible.

- 1) Households with one child (or more) in secondary school in their final year of Key Stage 4 (generally Year 11) with exams to be taken within the next six months.

Wherever practicable we will seek to place such households within district and within 60 minutes travelling distance of their school or college.

- 2) Households with one child (or more) who has a Statement of Special Educational Needs and is receiving education or educational support in Monmouthshire and where a change of schools would be extremely detrimental to their well-being.
- 3) Households with significant medical or severe learning disability where a child attends a special school in Monmouthshire.
- 4) Households with one child (or more) registered on the Child Protection Register and subject of a Child Protection Plan, or families who are currently helped by Children Services and where it is confirmed and accepted by the Housing Service that a transfer to another area would significantly impact on their welfare. This category includes families with significant social issues for which a comprehensive specialist package of support is in place in Monmouthshire, for example, families engaged in the 'troubled families' program.
- 5) Households where one person (or more) has a severe and enduring physical or mental health condition requiring intensive and specialist medical treatment from their GP or hospital and this treatment is only available in Monmouthshire.
- 6) Households where one person (or more) has a severe and enduring mental health problem where they are receiving psychiatric treatment and aftercare provided by community mental health services **and** have an established support network resulting in the Council accepting that a transfer of that care package would severely impact on their well being.
- 7) Households where one person (or more) is in receipt of a significant package and range of health care options that the Council accepts cannot be easily transferred or replicated and where this, the Council accepts, would result in a severe impact on their wellbeing.
- 8) Households where one person (or more) is required to attend a specialist hospital more than once a week and that treatment is anticipated to be continuous for more than one month and where the impact on having to travel from the location of the accommodation will have a significant adverse impact on their health they would not be able to afford the cost of the frequent travel.
- 9) Households where one person (or more) is in permanent and settled employment where they have been continuously employed for a period of six months, and for 24 hours or more per week, prior to the date of the homeless application. Women who are on maternity leave from employment would also meet the criteria. This group will be prioritised for housing as close as possible to their workplace. Where this is not possible Monmouthshire will endeavour not to place the household more than 60 minutes (time) travelling distance by public transport from their place of employment and will continue to seek suitable and affordable accommodation closer to their place of work.
- 10) Households who have a longstanding arrangement to provide care and support to another family member in Monmouthshire, who is not part of the resident household, and that person would be likely to require statutory health and social care support if that care and support ceased and there are no other relatives willing and able to provide that care and no other suitable alternative arrangements available.

Please note the following:

1. The above categories do not mean that no other special circumstances will be taken into account. Whenever an applicant is owed an interim accommodation duty a full assessment of their household's housing needs and circumstances will be carried out. Following that assessment it may be decided that an applicant should qualify for an accommodation offer in Monmouthshire for a special reason despite not meeting the criteria set.
2. The time likely to be spent in the accommodation will also be taken into account when determining the suitability of any offer of B&B accommodation.
3. Where there is no within County B&B accommodation immediately available which meets the household's identified needs, a homeless household can be placed on an emergency basis into suitable B&B accommodation in any location where there is availability on that day.
4. Where the Housing Options Team is notified of changes to the circumstances of household members after they have been placed in B&B accommodation, these circumstances will be considered and a decision will be taken as to alternative suitable B&B accommodation.
5. All households provided with B&B accommodation will be assessed at the point of placement in order to identify any support or resettlement needs arising from the location of the accommodation. Where there are dependent children in a household the Council will seek to identify with the applicant positive steps that can be taken to promote the welfare of children to ease the transition for children and minimize the impact of any new location.
6. Given the shortage of available B&B accommodation, it may be required to make a decision regarding how to prioritise the allocation of a particular room on a particular day where more than one household requires B&B and meet the 'within County' placement criteria and there are insufficient 'within County' B&B rooms available to accommodate all households that meet that criteria on that day. The following circumstances will be taken into account when prioritising between households. The circumstances listed are not in descending order of importance and do not form an exclusive set of criteria as other factors may also be relevant.
 - Level of need relating to the welfare and safeguarding of any children in the household
 - Level of educational need
 - Identified risks posed by living in particular areas
 - Permanency/flexibility of employment
 - Access to transport
 - Level of need to be close to services and amenities
 - Level of need to be close to health services
 - Level of need to be close to support networks
 - Level of need to be close to cultural or religious amenities
 - Impact on caring responsibilities

The impact of these and any other relevant circumstances will be considered both individually and cumulatively.

Severe Weather Policy

The Council has a Severe Weather Policy which will be implemented in the event of severe weather being predicted for at least three continual days. Anyone rough sleeping in Monmouthshire will be eligible for accommodation for the anticipated period of the predicted severe weather.

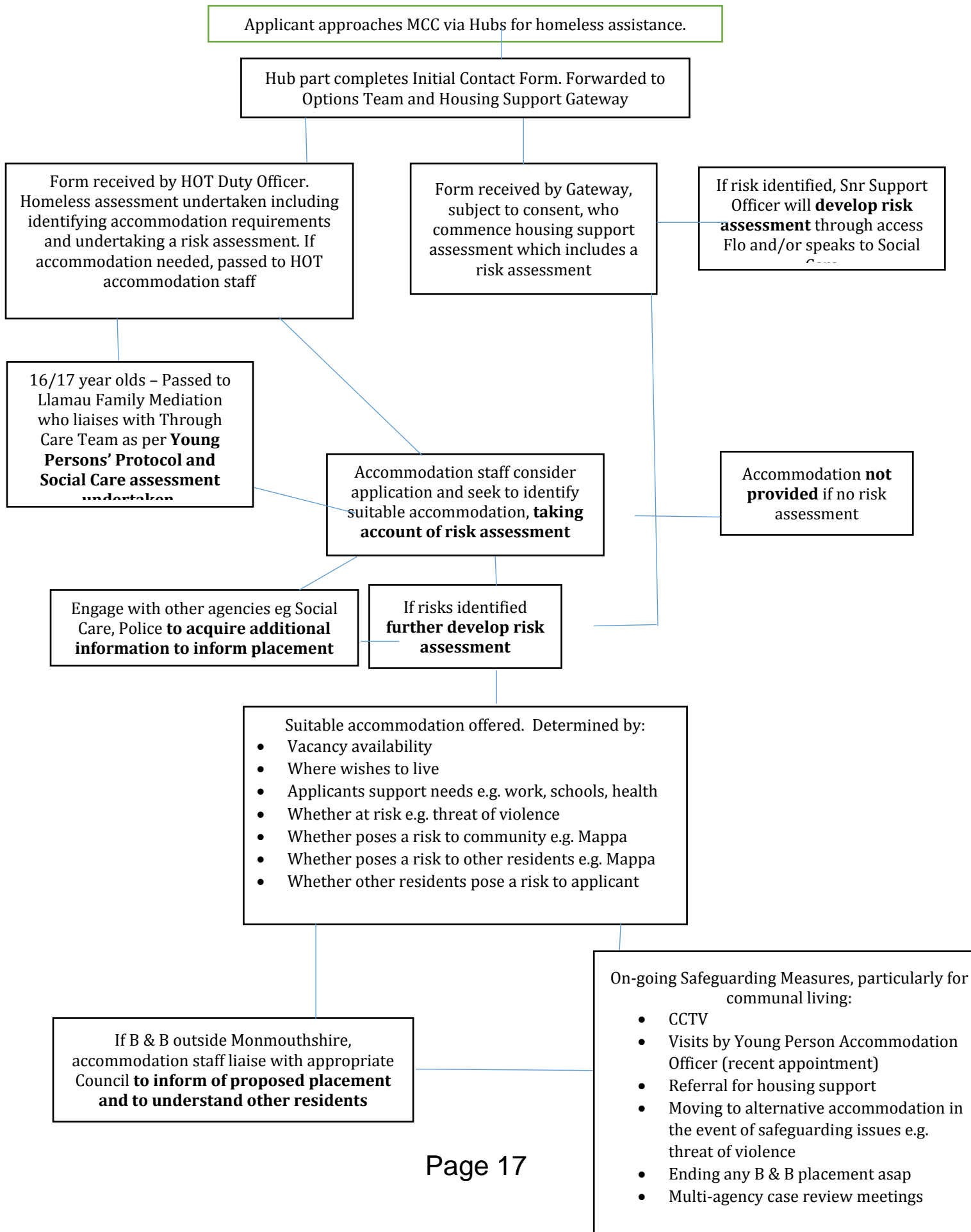
It is anticipated that B & B accommodation is most likely to be used if the Severe Weather Policy is implemented. The period of occupation will be used to positively engage anyone accommodated under the policy and to provide advice and assistance in respect of tackling their housing needs.

Monitoring the Use of B & B

The Council will monitor on an ongoing basis the use of B & B, including the placement of any 16/17 year olds and the placement of families with children

Appendix 1

Homeless Accommodation Placements: Safeguarding Reassurance Procedures





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Future Generations Evaluation (includes Equalities and Sustainability Impact Assessments)

Name of the Officer Ian Bakewell Phone no: 01633 644455 E-mail: ianbakewell@monmouthshire.gov.uk	Please give a brief description of the aims of the proposal Establish a B & B Policy
Name of Service Housing & Communities	Date Future Generations Evaluation 1 st March 2018

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9. **Does your proposal deliver any of the well-being goals below?** Please explain the impact (positive and negative) you expect, together with suggestions of how to mitigate negative impacts or better contribute to the goal.




Well Being Goal	How does the proposal contribute to this goal? (positive and negative)	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
A prosperous Wales Efficient use of resources, skilled, educated people, generates wealth, provides jobs	N/A	N/A

Well Being Goal	How does the proposal contribute to this goal? (positive and negative)	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
A resilient Wales Maintain and enhance biodiversity and ecosystems that support resilience and can adapt to change (e.g. climate change)	Although B & B use is a last resort, it nevertheless by necessity forms part of the Council's resources for meeting homeless duties. The draft policy reflects this	Strengthening homelessness and identifying other housing options is an on-going activity to minimise the use of B & B.
A healthier Wales People's physical and mental wellbeing is maximized and health impacts are understood	The draft policy reflects how the Council will mitigate against B & B accommodation being detrimental to applicants well-being or safeguarding	The policy formalises existing practice
N/A Wales of cohesive communities Communities are attractive, viable, safe and well connected	The proposal supports safeguarding of applicants and existing residents	Ditto
A globally responsible Wales Taking account of impact on global well-being when considering local social, economic and environmental wellbeing	N/A	N/A
A Wales of vibrant culture and thriving Welsh language Culture, heritage and Welsh language are promoted and protected. People are encouraged to do sport, art and recreation	N/A	N/A

Well Being Goal	How does the proposal contribute to this goal? (positive and negative)	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
A more equal Wales People can fulfil their potential no matter what their background or circumstances	N/A	N/A

2. How has your proposal embedded and prioritised the sustainable governance principles in its development?

Sustainable Development Principle	How does your proposal demonstrate you have met this principle?	What has been done to better to meet this principle?
<p>page 21</p>  <p>Long-term</p> <p>Balancing short term need with long term and planning for the future</p>	<p>The proposal supports the Council to discharge its legal duty to prevent homelessness as per the Housing (Wales) Act 2014.</p>	<p>It is an on-going activity to increase homeless prevention and increase housing options to avoid the use of B & B</p>
 <p>Collaboration</p> <p>Working together with other partners to deliver objectives</p>	<p>There will be a number of key partners eg RSL's, Cornerstone, Childrens Services, housing support providers, private landlords etc in respect of avoiding B & B use</p>	<p>Working in partnership is a fundamental aspect of the Housing Options service</p>

Sustainable Development Principle	How does your proposal demonstrate you have met this principle?	What has been done to better to meet this principle?
 <p>Involvement Involving those with an interest and seeking their views</p>	Liaison with Environmental Health	None necessary
 <p>Prevention Putting resources into preventing problems occurring or getting worse</p>	The main proportion of resources are directed to prevention and increasing housing options	N/A
 <p>Integration Positively impacting on people, economy and environment and trying to benefit all three</p>	The services positively impacts upon the local economy by providing an income for private landlords	The service is currently in place.

3. **Are your proposals going to affect any people or groups of people with protected characteristics?** Please explain the impact, the evidence you have used and any action you are taking below.

Protected Characteristics	Describe any positive impacts your proposal has on the protected characteristic	Describe any negative impacts your proposal has on the protected characteristic	What has been/will be done to mitigate any negative impacts or better contribute to positive impacts?
Age	The service will continue to be available to this and all groups	There are no negative impacts in relation to this proposal	N/A
Disability	Ditto	Ditto	Ditto
Gender reassignment	Ditto	Ditto	Ditto
Marriage or civil partnership	Ditto	Ditto	Ditto
Race	Ditto	Ditto	Ditto
Religion or Belief	Ditto	Ditto	Ditto
Sex	Ditto	Ditto	Ditto
Sexual Orientation	Ditto	Ditto	Ditto
Welsh Language	Ditto	None	Bi-lingual information is being made available

4. Council has agreed the need to consider the impact its decisions has on important responsibilities of Corporate Parenting and safeguarding. Are your proposals going to affect either of these responsibilities? For more information please see the guidance note <http://hub/corporatedocs/Democratic%20Services/Equality%20impact%20assessment%20and%20safeguarding.docx> and for more on Monmouthshire's Corporate Parenting Strategy see <http://hub/corporatedocs/SitePages/Corporate%20Parenting%20Strategy.aspx>

	Describe any positive impacts your proposal has on safeguarding and corporate parenting	Describe any negative impacts your proposal has on safeguarding and corporate parenting	What will you do/ have you done to mitigate any negative impacts or better contribute to positive impacts?
Safeguarding	The service provides an option that can contribute to Corporate Parenting and Safeguarding	None	Level 1 Training
Corporate Parenting	Ditto	None	A Supported Lodgings scheme is being developed

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21. What evidence and data has informed the development of your proposal?

Statistics including B & B use

Housing (Wales) Act 2014

Welsh Government Code of Guidance for Local Authorities for the Allocation of Accommodation & Homelessness

The Homelessness (Suitability of Accommodation) (Wales) Order 2015

Good practice information

6. SUMMARY: As a result of completing this form, what are the main positive and negative impacts of your proposal, how have they informed/changed the development of the proposal so far and what will you be doing in future?

- The proposal creates a benchmark to monitor against
- There are no negative impacts

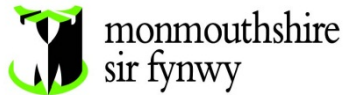
7. Actions. As a result of completing this form are there any further actions you will be undertaking? Please detail them below, if applicable.

What are you going to do	When are you going to do it?	Who is responsible	Progress
Introduce supported lodgings pilot through Supporting People	Currently in progress	Ian Bakewell	Proposal currently in development

8. Monitoring: The impacts of this proposal will need to be monitored and reviewed. Please specify the date at which you will evaluate the impact, and where you will report the results of the review.

<p>The impacts of this proposal will be evaluated on:</p> <p>July 2019</p>	<p>Will be reviewed on an on-going basis through management arrangements including quarterly performance monitoring reports and Team Meetings</p> <p>The service will be considered during periodic analysis of failed homeless prevention, undertaken to identify possible improvements and understand potential service flaws.</p>
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SUBJECT:	Review of Housing Renewals Policy
MEETING:	Individual Cabinet Member Decision
DATE:	25th July 2018
DIVISION/WARDS AFFECTED:	All

1.0 PURPOSE

- 1.1 The purpose of this report is to seek approval to adopt the draft Housing Renewals Policy.

2. RECOMMENDATIONS

- 2.1 To consider the relevance of providing support to private sector households.
- 2.2 To agree and adopt the attached policy. **See Appendix 1.**

3. KEY ISSUES

- 3.1 There is a need to review and refresh the Council's Housing Renewal Policy due to a variety of both financial and legislative changes. In addition a number of new initiatives have been introduced by Welsh Government to support and encourage the improvement of existing private sector housing, such as loan funding. The Policy effectively formalises existing practice.
- 3.2 In addition to service specific changes there is a need to ensure the Policy is fully aligned with the Council's Safeguarding Policy and therefore, is fit for purpose.
- 3.3 The Council decided over a decade ago that it could not continue to offer discretionary repairs and improvement grants. The main funding, has been £600,000 of capital to fund disabled facilities (DFG's) and Safety at Home (SaH) grants. Over time, the purchasing power of that sum declined and demand, though variable, increased both in quantity and complexity. As adults live longer and wish to stay in their own homes for as long as possible and children with complex disabilities needed specialised facilities in their homes, the demand on the budget has increased. In 16/17 the Council recognised this growth and raised the budget to £900,000. This has helped to improve the average turnaround for DFG's to 193 days.
- 3.3 A further recent development is the Welsh Government has provided a three year funding stream under its ENABLE programme which has added approximately £100,000 to the resources available for disabled adaptations. The fund supports a flexible and responsive approach to delivering adaptations, particularly through partnership arrangements.
- 3.4 As well as the requirement to provide mandatory Disabled Facilities Grants and the discretionary (but highly valued) Safety at Home Grants, the Council has also been able to process Welsh Government funds intended to help home owners carry out home improvements and to encourage owners of empty properties to bring them back into use. The Committee considered a loans report on 19th June 2018. The interest free loans are intended to support these initiatives and essentially mean the Council can offer financial support for private sector housing in absence of being able to

provide discretionary renovation grants. The expectation from Welsh Government is that these loans are promoted by the Council. Take up to date has been limited, therefore, seeking to increase awareness is a key priority.

- 3.5 In addition to the financial support described above the HRP also covers the housing standards enforcement work of the Council's Environmental Health Service. The service also inputs directly into the Home Improvement Loans (HILs) and Houses into Homes (H2H) schemes by ensuring that all Category 1 hazards to health are rectified as part of the scheme of work. The specific policy covering enforcement measures is set out in **Appendix A** of the draft Policy.

4. OPTIONS APPRAISAL

- 4.1 The following options are available, which are fully evaluated in **Appendix 2** are:

- **Option 1** – Continue with the existing housing renewal policy and make no changes. The current policy is, however out of date and not fit for purpose.
- **Option 2** – Adopt the proposed policy in whole
- **Option 3** – Adopt the proposed policy in part

5. OPTIONS EVALUATION

- 5.1 The Council is legally obliged to provide DFGs and to enforce the requirements of the Housing Health and Safety Rating System but all other renewal processes are wholly discretionary. It could opt not to provide SaH grants but these are very low cost (£161 average) and provide the safety features which either prevent injuries such as falls or facilitate early discharge from hospital by making homes safer to use. If such funding was to stop it would simply put additional pressure onto the Social Care and Health services and budgets.
- 5.2 Funding for the HILs and H2H schemes comes from the Welsh Government and the fees attached to these products are intended to offset local authority costs of administering them. There is little to be gained through not offering them although there is a staffing implication. Not offering may result in houses deteriorating further and empty homes not coming back into use and may impact negatively on the reputation of the Council

4. REASONS:

- 4.1 The Council has a legal duty under the Housing Grants, Construction and Regeneration Act 1996 to provide DFGs. There is also a duty to enforce the provisions of the Housing Health & Safety Rating.

5. RESOURCE IMPLICATIONS:

- 5.1 A funding overview is detailed in **Appendix 3**.
- 5.2 Fees are chargeable for the interest free loans. The fees, however, only effectively cover administration costs and terms and conditions prevent the Council from using the fees to generate a 'profit.'
- 5.2 The recent additional funding is obviously welcomed, but this has placed an additional pressure on the 1.6 whole time equivalent staff responsible for delivery.

- 5.3 There are costs associated with the provision of all forms of grant aid and it is possible, indeed likely, that demand for such products will increase as will the unit cost of each. Enforcement of HHSRS is a statutory duty and the Council budgets for the provision of services to do so. The costs of ensuring compliance can be recovered from the owners of the properties involved. HILs and H2H loans and grants attract fees, which should cover costs involved.
- 5.4 The Houses into Homes funding stream being grant is offered to the Council in perpetuity so long as it is being utilised and recycled as loans to applicants. The Home Improvement Loan funding scheme in contrast has to be repaid to Welsh Government by 2030. If the funding repayable is less than the award (ie from loan default) then Welsh Government will share 50% of the shortfall to a maximum amount of 2.5% of the funding awarded.
- 6. SUSTAINABLE DEVELOPMENT AND EQUALITY IMPLICATIONS:**
- 6.1 The maintenance of adequate quantities and types of dwellings, some suitably adapted for the needs of disabled occupants contributes to the well being of communities and residents. The bringing back into use of formerly empty dwellings eliminates their negative impact upon the immediate environment. There are no negative implications. **See Appendix 4.**
- 7. SAFEGUARDING & CORPORATE PARENTING IMPLICATIONS:**
- 7.1 The policy supports both safeguarding and corporate parenting through improving standards in private sector housing.
- 7.2 Procedures exist to ensure applications for DFGs are processed within the shortest possible time, and for these processes to be further expedited when requested by the referring Occupational Therapist. It is proposed that all contractors who seek grant-aided work shall also be required to be DBS checked and to receive basic safeguarding training. This is currently being implemented. A code of practice for contractors is also proposed and Safeguarding training.
- 8. CONSULTEES:** Cabinet; Senior Leadership Team; Head of Planning, Housing & Place-Shaping; Assistant Head of Finance; Senior Occupational Health Practitioners; Monmouthshire CAIR; Adults Select Committee
- 9. BACKGROUND PAPERS:** None
- 10. AUTHOR:** Ian Bakewell, Housing & Communities Manager
- 11. CONTACT DETAILS:** E-mail: ianbakewell@monmouthshire.gov.uk Telephone: 01633 644479

Appendix 2

Evaluation Criteria – Cabinet, Individual Cabinet Member Decisions & Council

Title of Report:	Review of Housing Renewals Policy (HRP)
Date decision was made:	25.07.18
Report Author:	Ian Bakewell, Housing & Communities Manager

What will happen as a result of this decision being approved by Cabinet or Council?

The policy effectively formalises existing practice. The advantage of the Policy being in place is it increases transparency and accountability of the Council.

12 month appraisal

Page 6

What benchmarks and/or criteria will you use to determine whether the decision has been successfully implemented?

The following benchmarks will be used to assess whether the decision has had a positive or negative effect:

- The turnaround time for DFGs and SAHs
- Unit cost of DFGs and SAHs
- Uptake of HILs
- Uptake of H2H for vacant properties
- Case studies
- Client feedback

12 month appraisal

What is the estimate cost of implementing this decision or, if the decision is designed to save money, what is the proposed saving that the decision will achieve?

No direct budget savings will be achieved by implementing this decision. Nor will expenditure be incurred to implement the new policy itself. There are costs, which are budgeted for and funding is available

However, it is considered that expenditure will be have cost benefit advantages and it is considered that as a result of DFG and SaH investment, Social Care and Health services will avoid the cost of high level home care or even residential care for disabled occupants. Evidence will be sought from Social Care through the provision of costed case studies.

Investment in home improvements and in bringing vacant properties back into use will help to meet housing need

12 month appraisal

Any other comments

Appendix 3

MCC Housing Renewal Funding Overview

Disabled Adaptations - DFG's and SaH: £900,000

Welsh Government ENABLE Funding – £96,782

Houses into Homes Loans - £604,749*

Home Improvement Loans - £620,855*

*The Houses into Homes funding stream being grant is offered to the Council in perpetuity so long as it is being utilised and recycled as loans to applicants. The Home Improvement Loan funding scheme in contrast has to be repaid to Welsh Government by 2030. If the funding repayable is less than the award (ie from loan default) then Welsh Government will share 50% of the shortfall to a maximum amount of 2.5% of the funding awarded.



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COUNTY COUNCIL
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June 2018

Housing Renewal Policy

May 2018

Contents

8 Appendices

(A) Private Sector Enforcement Policy

(B) Processing Grants:

- Eligibility
- General Conditions attached to applications
- Application Process
- Eligibility
- Safeguarding
- Code of Practice for contractors

INTRODUCTION AND BACKGROUND

This Housing Renewal Policy is necessary to ensure compliance with housing legislation and the Council's strategic priorities, including improving the quality of private housing stock in Monmouthshire, particularly making and maintaining homes that are safe and energy efficient and contribute to well-being.

This Policy details how the Council will deliver assistance to help private owners and tenants to repair, maintain or adapt their homes. *It also provides information on the Council's approach to improving the energy efficiency of homes across all tenures.*

Monmouthshire County Council acknowledges the impact that poor quality housing can have on the health of the occupants and on the quality of life of those in the area.

The Council recognises the view of the Welsh Government that it is the role of the Council to protect the health of its citizens by enforcing standards where necessary and providing assistance, particularly to the elderly, disabled and vulnerable to enable them to obtain, maintain, and remain in their homes.

However, the Council also recognises that it has many competing priorities for its limited funds and that while it is not in a position to provide direct financial assistance to all who need it the Council will seek to develop links to alternative methods of assistance and resources to which citizens can be directed.

This policy document details how Monmouthshire County Council will approach its housing renewal function as the Local Housing Authority over the next five years. In particular it explains how the Council will approach:

- Enforcement powers and duties,
- The financial resources/assistance it provides
- Other services it provides or supports
- Stakeholder and partnership working
- The need to safeguard vulnerable adults and children

This document will be the framework within which Council officers can operate the policy in place for enforcement of housing standards, administer the financial assistance available and work with our stakeholders and partners.

The Council delivers its private sector housing renewal responsibilities through its Housing and Community Service and Environmental Health Section.

This Policy provides information on the financial assistance and advice that may be available from the Council to ensure homes are safe to live in, is energy efficient, and helps maintain their health and wellbeing.

Legal Context

The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 requires that local authorities develop a policy for providing households with financial assistance to improve their homes.

Strategic Context

In developing this document as a framework for action the Council has also taken into account key local strategies and policies including:

- The Monmouthshire Public Service Board Well-being Plan
- Building Sustainable and Resilient Communities
- Corporate Business Plan 2017-2022
- Medium Term Financial Plan
- Social Justice Strategy
- Future Monmouthshire
- The Council's Safeguarding Policy 2017

Monmouthshire Well-Being Plan

This Policy seeks to contribute to the Monmouthshire Well-Being Plan 2017. The vision for the plan is:

We want to enable the building of sustainable and resilient communities that support the well-being of current and future generations.

The Policy will also contribute to two of the Plan's four key objectives:

- Provide children and young people with the best possible start in life to help them achieve better outcomes.
- Maximise the potential in our communities to improve well-being for people throughout their life course.

Policy Aims

The Council recognises the importance of good quality, affordable and sustainable housing to make a positive impact on health and well-being and to deliver wider benefits to households and communities. The aims of the policy are to:

- To improve the quality of private sector homes and particularly to keep homes safe, warm and secure, with the primary goal of improving health and well-being.
- To provide a range of different types of assistance.
- To work in partnerships to make the best use of resources available and maximise value for money
- To target resources at older, disabled and vulnerable households
- To increase the supply and access to houses within the private rented sector.

Policy objectives are:

- To minimise the time taken to deliver disabled adaptations
- To maximise the number of empty properties brought back into use
- Identify and eliminate Category 1 Hazards under the Housing Health & Safety Rating

Housing and Health

The connection between poor housing and ill health has long been recognised and in many ways formed the basis for the creation of the first systems of local government in the 19th century. The requirement for houses to be "fit for human habitation" (Housing Act 1957) has

been superseded by the latest requirements of the Housing Health and Safety Rating System (HHSRS) and the Welsh Housing Quality Standard (WHQS) both of which establish objective assessment criteria for the provision of houses which are safe for occupants and visitors and which promote good health.

Despite substantial progress in establishing housing standards, there are still far too many houses in the private sector which fall short of them and while the worst conditions tend to exist in the private rented sector, the owner occupied sector has many deficiencies, particularly in relation to thermal insulation standards and environmental safety. Add to these deficiencies the problems which poor planning and estate design, and poor quality initial build standards bring and the resultant mix is one which will adversely affect the health and well being of all residents regardless of age. Targets achieved for social housing under the Welsh Housing Quality Standard following the transfer of the Council's housing stock to Monmouthshire Housing has seen significant improvements and minimum standards achieved in that sector, but the private sector must not be left behind, nor can it be left solely to the vagaries of the market.

A further fundamental driver of change must be the recognition, not only that poor housing causes ill health but that the reverse position of good housing promoting well being should not be overlooked as a positive contribution to the UK and Welsh Governments' targets for public health and wellbeing. At a time when the focus is inevitably upon GP and hospital waiting times the contribution, both positive and negative which housing makes to public and personal health should not be ignored. While the County Council will commit all available resources to improving public health through raising housing standards, it recognises that it will need the involvement of all partners and stakeholders in this task.

Financial Setting

In 2002 The Regulatory Reform (Housing Assistance) (England and Wales) Order came into force. This Order has had important implications for the Council because it replaced much of the existing prescriptive legislation governing the provision of housing renewal grants and replaced them with new more flexible powers to provide assistance for housing renewal, repair and adaptation.

Due to financial pressures in other service areas the Council recognises that funding private sector housing is challenging in current financial climate. However, within these constraints the Council offers a number of options including a range of grants, adaptations and loans together with practical advice to meet the needs of particularly vulnerable people who live in houses which are in need of repair or improvement..

The Council is not currently in a position to offer any of the discretionary grants which were previously available. Fr example home repair assistance grants to home owners or repair grants to landlords. It is, therefore, recognised that this may impact on housing standards in the private sector. This means little has been done towards improving the poor standards identified in the house condition survey. In light of this the Council will seek to maximise the advice to residents in respect of options for funding.

It is the Council's wish to maintain grant funding at the present levels in real terms and to work with other housing and finance providers to facilitate the provision of funding and signpost sources of potential funding which can be used by owners to address housing deficiencies.

A key priority is to increase awareness and take-up of Welsh Government funded loan provision.

Safeguarding

Safeguarding is an overriding priority for the Council, the expectations and requirement of which are set out in the Safeguarding Policy 2017. A key strand is for the Council to be assured risk is eliminated or minimised.

The need to safeguard the physical and psychological well being of vulnerable adults and children is inextricably linked with the provision of safe and suitable housing. While threats to wellbeing from others is not dependent upon the quality of the home environment; emotional stress, tension and various forms of mental illness are not helped if they co-exist with poor quality housing, lacking in suitable facilities for safe living and often made worse by overcrowding. All members of staff in Housing and Community Services receive regular training in safeguarding issues and in the systems and procedures which they must follow if they believe the well being of anyone is at risk. The Council's safeguarding procedures are embedded within the service's management structure and processes.

The Council will also require contractors who wish to bid for grant and loan funded works to subject themselves and their workforce to Disclosure and Barring Service (DBS) checks and to provide evidence that it has been done to the Council. In addition, the Council intends to offer training to contractors and their staff on the practical issues relating to safeguarding procedures. The Council has also drafted a Contractor's Code of Practice and this is included in Appendix B to this policy.

ENFORCEMENT OF HOUSING STANDARDS

Monmouthshire County Council has a statutory duty to review the condition of the housing stock and deal with any deficiencies. The Housing Act 2004 radically overhauled the way that local authorities regulate standards with the introduction of the Housing Health and Safety Rating System and compulsory licensing of certain types of house in multiple occupation.

2.1 Housing, Health and Safety Rating System (HHSRS)

The Housing Act 2004 has removed the long established "fitness standard" for living accommodation and introduced a numerical scoring system the H.H.S.R.S. for determining the suitability of a dwelling for occupation.

The system identifies 29 classes of hazards and is based on a *risk assessment* of any of these hazards that may be present in a dwelling. The *risk and severity of possible harm*, an identified hazard presents, to the *most vulnerable potential occupant* of that dwelling are then used to generate a score. The score then puts the hazard into one of two categories: Category 1 (more serious) or Category 2 (less serious).

This is a much more public health approach, based upon evidence of health consequences and much less about maintaining the quality and repair of the housing stock. The system underlines the importance of home safety and the Council will ensure it contributes more widely to evidence-based interventions that support national public health priorities and targets.

The Council has trained authorised officers in the use of the new system and produced an enforcement policy to ensure consistency of officers' decisions. The Council is also working

with other local authorities to benchmark its' approach and help ensure consistent application of the system across South Wales.

Enforcement

This authority has adopted an Enforcement Policy (see Appendix A) specifically for enforcement of the new Housing, Health and Safety Rating System (HHSRS) to compliment the existing enforcement policy of the Authority. The HHSRS enforcement policy provides a framework and guiding principles that enable authorised officers to take a balanced and proportionate approach to enforcement.

The nature and influences on the housing market are continually changing and Monmouthshire has its specific characteristics that shape local need and priorities. The Council will be proactive in the private housing sector to ensure that standards of accommodation, particularly in the rented sector are maintained and rogue landlords deterred. It will seek to work closely and proactively with landlords and owners to help them ensure that their properties meet the relevant standards, and the Landlords Forum will be a key feature of this approach

While committing itself to a co-operative approach wherever possible, the Council is equally committed to taking enforcement action where the health, safety and wellbeing of occupants, and others, are at risk and informal measures have proved ineffective.

2.2 Houses in Multiple Occupation (HMO) Licensing

The Housing Act 2004 introduced a new definition of HMO that included clarification on the previously ambiguous position on many shared houses and clearly defined them as HMOs

The Act also places a duty on the Authority to implement mandatory licensing scheme for certain categories of HMO and a power to implement additional licensing schemes for HMOs and other rented accommodation.

This Authority is committed to protecting residents from poor housing conditions, and recognises that often, these residents are the most vulnerable.

2.3 Empty properties and Empty Dwelling Management Orders (EDMO)

This Authority recognises that properties that are empty for a long period of time can have a negative affect on the neighbourhood and supports the Welsh Assembly Government's view that properties should be put back into use and occupied as a means of addressing housing need,.

At any one time approximately 3.5% of total stock is empty, although to date those properties that are empty have rarely been found to be detrimental to the neighbourhood or a nuisance.

The Council will regularly and positively engage with empty property owners in the context of addressing housing need to raise awareness about the options available for bringing properties back into use.

2.4 Landlord and Agent Registration and Licensing (Huw Owen)

Housing (Wales) Act 2014 Part 1 came into force on the 23rd November 2015 and introduced a compulsory registration and licensing scheme for private rented sector landlords and letting / management agents. Cardiff City Council is designated as the Single Licensing Authority

(SLA) for the administration and coordination of this scheme under the brand Rent Smart Wales (RSW).

Each local authority in Wales is working closely with RSW to help deliver compliance with the requirements of the Act. A Memorandum of Understanding (MoU) has been developed and agreed which captures the partnership working between RSW and each local authority, including Monmouthshire. The MoU details the activities that Monmouthshire and RSW will undertake. Actions for officers of Environmental Health, in addition to enforcement related activities, include:

- Annual report to RSW of all records that can identify landlords / agents
- Annually 2 officers must undertake 2 weeks equivalent proactive work to identify unregistered / unlicensed landlords.
- Visit every licensed agent in the council area at some point during their 5 year licence and undertake an audit of the properties they act as agent for.

Progress on registering and licensing is regularly provided by RSW. There were 4221 registered rental properties in Monmouthshire at the end of 2017.

FINANCIAL ASSISTANCE

Overview:

The Council offers several forms of financial assistance either directly or via partnerships. The main assistance offered is through:

- Disabled Facilities Grants (DFGs)
- Safety at Home Grants (SAH)
- Rapid Response Adaptations Program (RRAP) via Care and Repair Monmouthshire
- ENABLE funding from the Welsh Government
- "Affordable Warmth" programmes via the South East Wales Energy Advice Centre
- Home Improvement Loans
- Houses into Homes (Empty Property Grants)

The vast majority of funding is allocated to Disabled Facilities Grants, recognising the priority needs of the elderly and disabled and the fact that this is a mandatory grant. The principles involved in processing grants are set out in Appendix B.

Priority for all forms of assistance will be given to the elderly, disabled, those in long term ill health, vulnerable people and those on low incomes.

Disabled Facilities Grant (DFGs)

The Council has a statutory duty to provide mandatory disabled facilities grants assistance. The purpose of this mandatory grant is to enable those with long-term disabilities and health problems to continue to live in their own homes with appropriate levels of support. Grants can be offered for a variety of projects to enable independent living. The purposes for which mandatory disabled facilities grants are set out in S.23(1) of the Housing Grants, Construction and Regeneration Act 1996 and includes:

- Facilitating access by the disabled occupant to and from the dwelling.....

- Making the dwelling.....safe for the disabled occupant and other persons living with him/her.
- Facilitating access by the disabled occupant to a room used or usable as the principal family room.
- Facilitating access by the disabled occupant to, or providing for the disabled occupant, a room in which there is a bath or shower (or both), or facilitating the use by the disabled occupant of such a facility.

Eligible works will be determined subject to an assessment of need by the Council's Occupational Therapist.

These grants are subject to means testing to establish if the applicant needs to make a financial contribution towards their adaptation.

It is a priority of the Council to deliver DFG's as quickly as possible and to minimise turnaround. The target for 2018/19 is 180 days.

The operation of the DFG system is detailed in Annex 2. Changes in the way small DFGs are processed have reduced the burdens for both applicants and the Council and have expedited the processing of the majority of applications.

Current situation

In 2018/19 the Council has allocated a total of £900,000 to the Grants Team. In addition WG Enable funding of £96,782 was utilised. Of the £900,000 capital funding available, approximately £750,000 is allocated for major disabled adaptations (DFGs) and £150,000 for minor adaptations via Safety at Home Grants (SAH). The annual budget allocation between disabled facilities grants and safety at home grants will be reviewed regularly in line with demand. The ENABLE funding may be used to support shortfalls in cases where the DFG limit is exceeded together with providing additional funding for partnership arrangements, such as Care & Repair to carry out small works.

Children

Adaptations for disabled facilities are very expensive and grants for adaptations for disabled children are non-means tested. This type of grant therefore can absorb a large portion of the DFG budget for a small number of projects. The average cost of an adaptation for children has been five times the level for an adult) and is likely to rise still further.

There are currently children, under the age of 5, known to the Children with Disabilities Team who are likely to require extensive adaptations to their home in the relatively near future. The Council will assist in accordance with this Policy.

Older People

A rising demand from the ageing population is increasingly placing further pressure on the financial resources available for DF grants. The Council recognises the importance of facilitating hospital discharges or supporting packages of care. In this context, a revised service level agreement has been established with Care and Repair Monmouthshire which will ensure the most effective and appropriate use of the Council's Safety at Home grants and the Rapid Response Adaptation Programme funds. SAH grants and DFGs will not be directly available to RSL tenants who should contact their landlord in the first instance.

Safety at Home Grants

This discretionary grant was introduced during 2001/02 specifically to offer help to those in poor health or patients who have recently been discharged from hospital with mobility problems and who therefore need minor adaptations such as handrails, access ramps and intercom door entry control systems.

Considerable emphasis has been placed on a rapid response to requests from the Community Nursing Team and Occupation Therapy Service and applications are processed quickly and with minimum documentation.

The majority of work is carried out via Monmouthshire Care and Repair and they administer the budget and undertake all works. The intention is that Safety at Home funding will be managed alongside the Care & Repair Rapid Response Programme, to maximise the effective use of the two programmes. As a guide an average of £121.00 per referral was spent using this form of grant in 2007 and this has risen year on year until in 17/18 the average cost was £166.30.

In the event of funding pressures, the Council through Social Care may require Care & Repair to prioritise the funding available to ensure those in most need get the assistance they need.

ENABLE – Support for Independent Living

The Council receives annual funding from Welsh Government to deliver a programme of ENABLE adaptations. The ENABLE programme is an additional funding stream for adaptations and is designed to simplify and speed up the process of delivering an adaptation. It has the advantage of offering flexibility in respect of delivering solutions.

The Council will work in partnership with other agencies to deliver the programme.

Rapid Response Adaptations Program

Monmouthshire Care & Repair operate a Rapid Response Adaptations Programme, funded by Welsh Government.

Through referrals that facilitate hospital discharge, prevent inappropriate discharge or prevent admission to long-term care, Care and Repair Monmouthshire will assist owner-occupiers and private tenants who are over the age of 60 or are physically disabled or chronically sick.

As its name implies the scheme is intended to provide a rapid response to need and the priority therefore is speed of service delivery. The joint operation of the RRAP and SAH budgets are monitored both for cost effectiveness and speed of delivery and the performance reported on a quarterly basis.

Energy Efficiency & Tackling Fuel Poverty

There is an effective Service Level Agreement with the Energy Savings Trust which operates its Energy Advice Centre (SEWEAC) on behalf of the Council to provide advice and signposting services to the community at large. The ongoing development of a national programme for improvements in fuel efficiency, energy conservation and carbon reduction funded by industry led programmes together with publicly funded schemes such as NEST ensures that occupants who are at risk of fuel poverty can be considered for grant aid for insulation upgrades and the provision of fuel efficient heating systems.

The Council is unable to directly fund energy efficiency programmes, but will seek to identify funding opportunities such as through Welsh Government Arbed or utility companies. Where such funding can be secured the aim will be to develop projects that target poorly insulated and performing properties and low income households. This is most likely to be delivered on a geographical basis.

Repair Grants

While the Council acknowledges the role that the private rented sector plays in meeting housing need in Monmouthshire, the high demand for mandatory DFGs means it is unable to provide any budget from which it can fund discretionary grants to private sector housing. It will however, keep this situation under review and should slippage occur in other budgets which can be targeted at improvement schemes for private rented property (which will be tied to nomination rights) consideration will be given to doing so. .

Home Improvement Loans

In conjunction with the Welsh Government, the Council will offer Home Improvement Loans (HILs) to home-owners who can meet the affordability rules. An Interest free loan of up to £25,000 will enable homeowners to carry out repairs and improvements to their homes.

HILs must also address any Category One hazards if identified by the Council's Environmental Health Service

An administration fee, determined by the Council, will be payable. This may be reviewed periodically.

Empty Homes Loans: Loans are available to the following category of empty property owners

Developers

Loans are available to developers that purchase empty properties to bring back them back into use. Repayment terms will depend upon the end use of the refurbished property, for example,

- If the property is being sold after refurbishment the term is 2 years
- If the property is going to be for rental at market rents the term is 5 years.
- If the property is going to be for rental at LHA rate the term is 10 years.

Empty Property Inheritors

Loans are available to people who inherit an empty property. These are known as Owner Occupier loans. Owners can borrow £1000 to £25,000 with repayment terms dependent on the end use of the property. For example,

- If the owner intends to occupy the property after refurbishment the term is up to 10 years.
- If the owner does not intends to occupy – up to 5 years.

An administration fee, determined by the Council, will be payable. This may be reviewed periodically.

OTHER SERVICES AND SUPPORT

There is a clear link with poor housing and ill health and while more people are choosing to live independently it is vital that community based support mechanisms are available to them. This policy recognises the importance of partnership working to support independence and safe living. A wide range of advice, support and assistance is provided to elderly, disabled and vulnerable people, who privately rent, or own and live in their own property.

Care and Repair

Care & Repair provide a free, comprehensive home improvement and advisory service to older and disabled people, living in both Monmouthshire and Torfaen to help them remain in their own homes in greater comfort, warmth and security. The service is for people who live in Monmouthshire and Torfaen who are homeowners or private tenants.

Care & Repair offer free, impartial advice on repairs and alterations and will help people get estimates and select a reputable contractor.

The core Care and Repair service is a bespoke, customer led service to help older homeowners to carry out repairs, improvements and adaptations to their homes. The agency provides advice and assistance with:

- welfare benefits advice,
- access to grants and benevolent funding
- approved contractor list
- help with forms and letters
- fire safety, security and energy efficiency checks

The agency also offers -

- A home safety check to all residents of the county who are aged 75 or over under the Healthy at Home scheme subject to funding through the Council's Supporting People programme. The check provides a specific falls prevention function.
- A rapid response minor adaptations scheme, carrying out jobs such as installation of handrails, grab rails, shower seats etc using both an in-house handy person and approved contractors. These jobs are funded by the Welsh Government Rapid Response Adaptation Programme grant, with the aim of either preventing hospital admission or prompt discharge from hospital – clients referred by Healthcare professionals)
- Safety at Home minor adaptation grants through funding from the Council. Care & Repair will administer Safety at Home alongside the Rapid Response Adaptation Programme.

.Home Safety

The importance of home safety is recognised at a national level and the prevention of falls is a key health improvement target. The Council and the Local Health Board are working in partnership with Care and Repair to fund a 'Staying Healthy at Home' Project targeting residents aged over 75. This provides a home check and one-stop home-safety service.

Right Move Bond Scheme

The Council in partnership with Pobl, aims to improve opportunities for people to secure private rented accommodation by offering landlords guarantees of an agreed amount against rent arrears, loss and damage. This improves access to accommodation and supports homeless prevention in Monmouthshire.

Registered Social Landlords

Registered Social Landlords (Housing Associations) have a key role in supporting the Council's housing strategies.

In the field of housing renewal they have access to funds under the Physical Adaptation Grant (PAG) scheme which give them direct access to WAG funds. In addition their finance raising and investment abilities mean that they can work in partnership with the Council and/or private owners via joint investment initiatives.

The Council will also look to RSLs to be innovative in the ways they invest in the existing private sector whether by outright purchase to aid renewal or by equity share arrangements with owners or would be owners who cannot afford the capital costs which property acquisition and renovation often involves.

Careline Service

The Careline service provides a telecom based range of personal and environmental monitoring services within a person's home to enable them to maintain optimum independence. Emergency contact telephone systems, automated lighting systems and fire and smoke detection are but a few of the services which can be offered through this service. The Council recognises the contribution which well designed assistive technology can make to a person's independence at home. It will include the installation and first year rental costs of a base unit, personal alarm, CO detector and smoke detectors in the schedule of eligible works for all DFG funding for adults.

PARTNERSHIP WORKING

Private Landlords

The Council acknowledges the important role the private rented sector fulfils in the provision of homes within Monmouthshire. The Council will work with private landlords to ensure quality and affordable homes are provided and to assist this sector with housing renewal. Standards of accommodation have been found to vary and by working with landlords the Council has attempted to ensure a greater consistency and compliance with relevant standards. The following schemes and initiatives will be critical in developing the private rented sector and increasing the range and quality of available housing options:

Landlord's Hub

The Council has a long established forum for private landlords, which is currently provided jointly with Torfaen County Borough Council. The strategic aims of the Landlord's Hub are:

- to develop and increase the supply of private rented accommodation
- help reduce homelessness and the use of temporary accommodation
- to promote and improve the quality, diversity and management of the private rented sector
- to link in with the all Wales accreditation scheme – Rent Smart Wales

These aims will be achieved by:

- providing training, information and advice for Landlords
- providing an opportunity for landlords to network
- holding quarterly forums and themed events
- facilitating access to discounts and preferential rates from local businesses

Neighbouring Councils

The Council will work together with neighbouring authorities, in developing its housing renewal policies. Working groups are in place for officers to liaise and share/develop best practice and ensure consistency.

Performance Monitoring

The Council will monitor the delivery of this policy through a quarterly performance management framework.

Key areas of monitoring include:

- No.'s of DFG referrals (adults and children)
- No.'s of DFG completions (adults and children)
- Average time to complete (adults and children)
- Client satisfaction in respect of the DFG programme.
- No. of safety at home grants
- No. of loans provided

Complaints

The Council is committed to dealing effectively with any complaints you have about our service. The Council aims to clarify any issues about which anyone isn't sure about. If possible, every effort will be made to put right any mistakes that may have been made. The Council will provide any service to which anyone is entitled but didn't deliver upon. If the Council is an apology will be issued and offer redress if appropriate. The Council also aims to learn from mistakes and use the information we gain to improve our services

Complaints can be made in any of the ways below:

- Ask for a form from the person with whom you are already in contact. Tell them that you want us to deal with your concern formally
- By telephoning 01633 644647 or 01633 644672

- Via a complaintys form on the website by following this link:
www.monmouthshire.gov.uk/complaintsandcompliments
- E-mail to feedback@monmouthshire.gov.uk

Complaint forms available will be available at all service outlets and public areas such as local offices and libraries.

This policy and the complaint form is available in Welsh or another language or format (perhaps Braille or large print).

POLICY IMPLEMENTATION AND REVIEW

This document is intended to set out the Council's framework for service delivery over the next five years (until and including 2022) but it will be reviewed annually with our partners and stakeholders and an annual action plan will be developed so that progress can be assessed. If, in the light of changed circumstances, it seems appropriate to review the policy framework before 2022 this will be done.

Suggestions and enquiries about policy implementation should be addressed to:

Housing & Communities Manager
Monmouthshire County Council
County Hall
The Rhadyr
Usk
Monmouthshire
NP15 1GA

APPENDIX A



CYNGOR
monmouthshire
COUNTY COUNCIL
sir fynwy

Private Sector Housing Enforcement Policy

Housing Health and Safety Rating System

July 2007

1.0 **Introduction**

The Housing Act 2004 introduced a new system for assessing housing conditions, known as the Housing Health and Safety Rating System (HHSRS), which is to be applied to the enforcement of housing standards in all types of residential accommodation. This new system replaces the fitness for human habitation standard as contained within Section 604 of the Housing Act 1985.

The new system is structured around an evidence based risk assessment procedure, which considers those hazards that may be present in a dwelling from a list of 29 classified hazards. The risks that any such hazards may present to the most vulnerable potential occupant of that dwelling are then used to generate a hazard score. That score is, on the basis of its numerical value, then classified as a Category 1 hazard or a Category 2 hazard. Category 1 hazards can further be subdivided into those banded A-C and Category 2 hazards can be subdivided into those falling within bands D-J reflecting decreasing levels of risk.

Under the Housing Act 2004 Monmouthshire County Council has a duty to take appropriate enforcement action where there is a Category 1 hazard, and a discretionary power to take appropriate enforcement action where there is a Category 2 hazard. To ensure a consistent approach to housing standards enforcement, the Council has developed this policy for enforcement of the Act. This policy complies with the principles of the Enforcement Concordat, which the Council has signed up to and its own corporate enforcement policy.

This policy will be subject to review within 12 months to accommodate changes introduced by W.A.G. and changes required by experience of the application of this new legislation.

1.2 **Corporate Objectives / Local Housing Strategy**

In developing this policy regard has been had to the Council's Strategic Aims and corporate values as set out below.

“Promoting a better quality of life for all people and communities in Monmouthshire”

Strategic Aims

- Making Monmouthshire Cleaner and Greener
- Helping People Enjoy Healthier Lives
- Creating Learning Opportunities for All
- Stimulating Strong Local Economies
- Supporting Safer and Stronger Communities
- Improving the Council's Effectiveness

Values

- **Openness:** we aspire to be open and honest to develop trusting relationships.
- **Fairness:** we aspire to provide fair choice, opportunities and experiences and become an organisation built on mutual respect.
- **Flexibility:** we aspire to be flexible in our thinking and action to become an effective and efficient organisation.
- **Teamwork:** we aspire to work together to share our successes and failures by building on our strengths and supporting one another to achieve our goals.

1.2 Enforcement Policy Aims

1. To strive to ensure good quality, healthy housing for all residents of Monmouthshire and to prioritise action to those properties which present the greatest risks to health and safety.
2. To act on any duly made request for inspection or complaint about conditions by sending a suitably authorised officer to inspect a property under the H.H.S.R.S.
3. To ensure all enforcement activities are:
 - Undertaken in accordance with the principles of good practice specified by the Enforcement Concordat.
 - Compatible with the rights specified by the Human Rights Act 1998
 - Managed in an efficient manner
 - Taken promptly and without unnecessary delay
 - proportionate to the risk to health and safety;
 - applied consistently by all authorised officers;
 - targeted; and
 - transparent in its application.

2.0 Enforcement

2.1 Authority and Decision Making

The Council has delegated powers to officers duly authorised by the Director of R.E.R. Such authorisations are given only if the officer is considered by the Environmental Health Manager to be competent. Assessment of competency will be based upon experience, qualification and training.

Training will include courses accredited by the Welsh Assembly, or Department of Communities and Local Government to carry out inspections of dwellings and H.M.O.s using the Housing Health and Safety Rating System.

Regular team meetings will be held on use of the HHSRS and enforcement decisions to ensure consistency of approach.

2.2 Enforcement Options

It is the policy of this Council to ensure that enforcement action is always taken in a fair and consistent manner proportionate to the risks to health and safety. To help achieve this the Council will make reference to guidance from the Department of Communities and Local Government (D.C.L.G.), Welsh Assembly Government (W.A.G.) and Local Authority Co-ordinators of Regulatory Services (L.A.C.O.R.S.) and such other guidance as may be considered relevant.

The enforcement options available to the Council are:

- i. To issue Hazard Awareness Notices**
- ii. To serve Improvement Notices**
- iii. To serve Prohibition Orders**
- iv. To take Emergency Remedial Action (not available for Cat 2 hazards)**
- v. To serve Emergency Prohibition Orders (not available for Cat 2 hazards)**
- vi. To make a Demolition Order (not available for Cat 2 hazards)**
- vii. To declare a Clearance Area (not available for Cat 2 hazards)**
- viii. To do nothing (not available for Cat 1 hazards)**
- ix. To deal with the matter informally**

These are individually explained in Annex 1

The above actions are mutually exclusive when dealing with the same hazard in the same premises. However, the Council can take a different course of action or the same course of action again, if the initial action has not proved satisfactory. Emergency measures are the exception to the above rule. For example, where emergency remedial action is followed by an Improvement Notice or a Prohibition Order it is considered to be a single course of action.

When taking enforcement action the Council will prepare and serve with any Notice or Order under Part 1 of the Act, or any copy of a Part 1 Notice or Order, a statement of reasons for the decision to take enforcement action. The statement will include an explanation as to why a particular course of action was taken in preference to the other forms of available action. Where the relevant enforcement action is the declaration of a clearance area, the statement of reasons must be published as soon as possible after the resolution declaring that the area be defined as a clearance area under Section 289 of the Housing Act 1985, is passed.

Note: *For the purposes of this Enforcement Policy the ‘relevant person’ can be taken to refer to the individual or company who could be the subject of enforcement action. This would be determined by the nature of the residential premises in question.*

2.3 Most Satisfactory Course of Action

Where a Category 1 or Category 2 hazard exists on a residential premise the Council will **first decide on the most satisfactory course of action in relation to that hazard.**

When deciding the most satisfactory course of action the Council will take the following matters into account

- i. The risk to health and safety; whether there is an imminent risk.
- ii. The severity of the hazard
- iii. The views of the relevant person
- iv. The current occupant and their views.
- v. The current occupation or likelihood that the property will become occupied by a member of a ‘vulnerable group’ or a group who could be at particular risk.
- vi. The relevant person’s attitude towards the hazards identified.
- vii. The consequences of non-compliance.
- viii. The cost of compliance.(i.e. An economic appraisal)
- ix. The likely effectiveness of the enforcement options under consideration.
- x. Local priorities and strategic aims of the Council.
- xi. Danger to the members of the public.
- xii. Multiplicity of hazards affecting the overall suitability of the property for occupation.
- xiii. Results of consultations with other regulatory bodies

2.4 The Process

Normally, once the decision on the most satisfactory course of action has been made, with exception of emergency procedures, the relevant person will be given the opportunity to remove or reduce the hazard prior to the service of any Notice or Order under Part 1 of the Act.

We will write to the relevant person detailing the hazard, along with suggested steps to remove or reduce it to an acceptable level Officers will clearly

differentiate to the relevant person what is legally required and what is recommended as good practice.

In addition to this, the relevant person will be given a date by which to complete the work and warned that failure to remove or reduce the hazard to an acceptable level by this date will result in legal notices being served.

However, there may be circumstances where this informal step may be skipped and formal notices/orders are served immediately. When deciding whether or not to proceed immediately to legal notices the Council will take the following matters into account:

- History of past compliance of the relevant person.
- confidence in the relevant person
- the attitude of the relevant person

2.5 Additional Enforcement Powers

The Council has powers to carry out works in default in certain circumstances and to reclaim costs associated with delivering its enforcement powers.

3.0 Which Option In Which Property?

3.1	Tenanted Property
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Category 1 Hazard

The Council has a duty to take action.

The available options:

Hazard Awareness Notice or
Formal notices:

- Improvement notice (& suspended)
- Prohibition Order (suspended & emergency)
- Emergency remedial Action
- Demolition
- Prosecution
- Clearance

It is anticipated that a hazard awareness notice will not be served and this Council's preferred action will be to ensure that the hazard is remedied through one of the formal notices.

Category 2 Hazard

The Council has a power to take action.

The available options:

Do nothing
 Informal Letter
 Hazard Awareness Notice
 Formal notices:

- Improvement notice (& suspended)
- Prohibition Order (suspended & emergency)

It is anticipated that a Hazard Awareness Notice would usually be this Council's preferred action in this circumstance.

3.2	Owner Occupied Premises
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Category 1 Hazard

The Council has a duty to take action.

The available options:

Hazard Awareness Notice or
 Formal notices:

- Improvement notice (& suspended)
- Prohibition Order (suspended & emergency)
- Emergency remedial Action
- Demolition
- Prosecution
- Clearance

It is anticipated that a Hazard Awareness notice would usually be the preferred action in this circumstance, subject to consideration of the additional criteria set out below and in paragraph 2.3 above.

Category 2 Hazard

The Council has a power to take action.

The available options:

Do nothing
 Informal Letter
 Hazard Awareness Notice
 Formal notices:

- Improvement notice (& suspended)
- Prohibition Order (suspended & emergency)

It is anticipated that an Informal Letter would usually be the preferred action in this circumstance.

Additional Criteria to be taken into account in determining the most satisfactory course of action in respect of an Owner Occupied property.

- The presence of any vulnerable occupants/family members /visitors
- Impact on other properties
- Council policies and priorities

The Enforcement Options

Hazard Awareness Notices (Sections 28 and 29).

A Hazard Awareness Notice under section 29 (notice relating to a Cat 2 hazard) may be a reasonable response to a less serious hazard, where the Authority wishes to draw attention to the desirability of remedial action.

A Hazard Awareness Notice under section 28 (notice relating to a Cat 1 hazard, where no Management Order is in place under Part 4) may be an appropriate course of action as a means of advising the relevant person that a Category 1 hazard exists on the residential premises. This would be appropriate in circumstances where remedial action or prohibition is unreasonable or impractical.

The service of a Hazard Awareness Notice does not preclude further formal action, should an unacceptable hazard remain.

Hazard Awareness Notices will be drafted in accordance with the relevant section of the Housing Act 2004, as determined by the category of hazard.

Improvement Notices (Sections 11 and 12).

An Improvement Notice under Section 11 will be an appropriate course of action where a Category 1 hazard exists on residential premises, and, where no Management Order is in place under Part 4 of the Act. An Improvement Notice served under this section must, as a minimum, remove the Category 1 hazard; however, it may also extend beyond this. For example, this may be appropriate where a remaining Category 2 hazard would still present an unacceptable risk to health and safety or where the duty on the Authority to take action may arise again should conditions deteriorate.

An Improvement Notice under Section 12 may be an appropriate course of action where a Category 2 hazard exists on residential premises, and, where no Management Order is in place under Part 4 of the Act. A Notice served under Section 12 would require the relevant person to take suitable remedial action in respect of the hazard(s) concerned.

When the Notice becomes operative it will be registered as a local land charge on the premises to which it relates.

All Notices will be drafted in accordance with Section 13 of the Housing Act 2004 and will be accompanied by information on the appeal procedure and the time limits for such an appeal.

Suspension of Improvement Notices (Section 14).

An Improvement Notice may, for the operation of the notice, be suspended until a time or the occurrence of an event specified in the notice. Suspension of an Improvement Notice may be the preferred course of action where for example it is appropriate to wait until a person of a particular description begins, or ceases to occupy the premises.

Revocation and Variation of Improvement Notices (Section 16).

Where the Council are satisfied that an Improvement Notice has been complied with any such Notice will be revoked. The Council may also, at their discretion, revoke an Improvement Notice where it is deemed that there are special circumstances (in respect of a Cat 1 hazard), or where (in the case of a Cat 2 hazard) it is considered appropriate.

In the case of a Notice that applies to more than one hazard, the requirement of the preceding paragraph will apply to each of the hazards individually.

The Council may also vary Improvement Notices in the following circumstances:

- Where part of a Notice, which relates to more than one hazard, has been revoked the remainder of the Notice may also be varied as considered appropriate; or,
- with the agreement of the person on whom the Notice was served; or,
- in the case of a suspended Improvement Notice, so as to alter the time or event specified that triggers the end of suspension.

Review of Suspended Improvement Notices (Section 17).

Suspended Improvement Notices will be reviewed in accordance with Section 17 of the Housing Act 2004.

Prohibition Orders (Sections 21 and 22).

A Prohibition Order made under Section 21 may be an appropriate course of action where a Category 1 hazard exists on residential premises, and, where no Management Order is in place under Part 4 of the Act. An Order made under this section may prohibit use of part or all of the premises for some or all purposes, or occupation by particular numbers or descriptions of people.

Section 22 makes an equivalent provision for a Prohibition Order to be made where a Category 2 hazard exists on residential premises, and, where no Management Order is in place under Part 4 of the Act.

Prohibition orders will be drafted in accordance with Section 22 of the Housing Act 2004.

When the Notice becomes operative it will be registered as a local land charge on the premises to which it relates.

Suspension of Prohibition Orders (Section 23).

A Prohibition Order may, for the operation of the Order, be suspended until a time or the occurrence of an event specified in the Order. Suspension of a Prohibition Order is at the discretion of the Council and it may be the preferred course of action when:

- it is appropriate to wait until a person of a particular description begins, or ceases to occupy the premises: or,
- in the case of an event, where a person, has not complied with an undertaking given to the Council.

Revocation and Variation of Prohibition Orders (Section 25).

Where the Council are satisfied that a hazard, in respect of which a Prohibition Order was made, no longer exists, then any such Order will be revoked. The Council may also, at their discretion, revoke a Prohibition Order where it is deemed that there are special circumstances (in respect of a Cat 1 hazard), or where (in the case of a Cat 2 hazard) it is considered appropriate.

In the case of an Order that applies to more than one hazard, the requirement of the preceding paragraph will apply to each of the hazards individually.

The Council may also vary Prohibition Orders in the following circumstances:

- where part of an Order, which relates to more than one hazard, has been revoked the remainder of the order may also be varied as considered appropriate; or,
- with the agreement of every person on whom the Order, or copies of the Order, were required to be served; or,
- in the case of a suspended Prohibition Order, so as to alter the time or event specified that triggers the end of suspension.

Review of Suspended Prohibition Orders (Section 26).

Suspended Prohibition Orders will be reviewed in accordance with Section 26 of the Housing Act 2004.

Emergency Remedial Action (Section 40).

Emergency remedial action taken under Section 40 may be an appropriate course of action where a Category 1 hazard exists on residential premises, and, where no Management Order is in place under Part 4 of the Act. Action taken under this section is that action which the Council considers necessary to remove an imminent risk of serious harm to the occupiers of any residential premises. Emergency remedial action taken under this section may be taken in relation to one or more Category 1 hazard in the same premises.

The Council will serve an emergency remedial action notice upon the relevant person within 7 days, beginning on the day the remedial action starts.

Emergency remedial action notices will be drafted in accordance with Section 41 of the Housing Act 2004.

Emergency Prohibition Orders (Section 43).

An Emergency Prohibition Order made under Section 43 may be an appropriate course of action where a Category 1 hazard exists on residential premises, where no Management Order is in place under Part 4 of the Act and where a hazard involves an imminent risk of serious harm to the health or safety of any occupiers of residential premises. An Order made under this section may prohibit use of part or all of the premises as is necessary and, unlike a Prohibition Order, is effective immediately. An Emergency Prohibition Order made under this section may relate to one or more Category 1 hazard in the same premises.

The aforementioned provisions of Section 25 which relate to revocation and variation of a prohibition order, also apply to Emergency Prohibition Orders.

Emergency Prohibition Orders will be drafted in accordance with Section 43 of the Housing Act 2004.

Demolition Orders (Section 46).

A Demolition Order made under Section 46 may be an appropriate course of action where a Category 1 hazard exists on residential premises, where no Management Order is in place under Part 4 of the Act and the property in question is not a listed building.

Prosecution

All evidence will be gathered in accordance with the Police and Criminal Evidence Act 1984 and associated Codes Of Practice.

Before a decision to prosecute is taken the officer, together with the Environmental Health Manager and the Councils Legal Section, must be satisfied that both the 'Evidential Test' and the 'Public Interest Test', as contained within the Code for Crown Prosecutors, is in general terms satisfied.

When a prosecution is proposed the case file will be submitted to the Council's Legal Section as soon as possible for consideration.

APPENDIX B

Processing Grant Applications:

This appendix covers how officers will administer the Disabled Facilities Grant budgets, and ad hoc funding from external sources such as the Welsh Government Housing Division. It covers:

Purpose for which grants may be given
 Eligibility
 The application process
 Reasons for relocation grant
 General Conditions attached to applications
 Safeguarding
 Contractor's Code of Practice

Purpose for which grants may be given:

Grants may be given for the following purposes:-

- Facilitating access to and from the dwelling
- Making the dwelling safe for the disabled occupant and other persons residing in it.
- Facilitating access by the disabled occupant to a room used or useable as the principal family room and a room used for sleeping.
- Providing specially adapted toileting and bathing facilities.
- Facilitating access for the disabled occupant to food preparation and cooking facilities.
- Improving heating systems to meet the special needs of the disabled occupant
- Facilitating access by the disabled person to heating, lighting and electrical power controls.
- Facilitate access and movement by the disabled person to enable another person who is normally resident, to be cared for by him or her.
- Assisting in the relocation of an eligible person from their present home to another property which better meets their needs, or which can be made to do so more easily.

General Eligibility Criteria for Grant Aid

- All owners, tenants and licensees who are able to satisfy the criteria in section 19-22 of 1996 Act are eligible for disabled facilities grant
- Applicants must be owners of a property or have a secure tenancy with an unexpired period of lease of at least seven years (i.e. owner occupiers and private tenants.)

- Tenants of Housing Associations are eligible but will also be asked to approach their landlord for other assistance, which may be available from the Assembly under Scheme 1a funding.
- The Council will no longer continue to offer discretionary Disabled Facilities Grants, but those living in park homes or houseboats will be eligible to apply.
- Landlords may also apply on behalf of a disabled tenant and will need to consider the requirements and implications of the Disability Discrimination Act placed upon the landlord to make 'reasonable adjustment' in respect of the disabled person
- All applications for disabled facilities grant will be subject to a means test as set out in the Act. This may result in a financial contribution. However, in any case where an applicant is over 60 years of age and in receipt of at least one of the following benefits, no contribution will be required:-

Income Support; Pension Credit; Minimum Income Guarantee; Council Tax Benefit; Housing Benefit,

- All enquiries for DFG assistance will be subject to a detailed assessment and referral by the Council's Occupational Therapy Service.
- Applicants are eligible to a maximum grant of £36,000. (Including VAT and Fees). However in very exceptional cases additional top up grants may be considered but the Council will expect the applicants, or in the case of children, their parents, to demonstrate that they have no ability to make any (further) contribution from other sources.
- Even where all other eligibility criteria are fulfilled there may be circumstances where the works are unreasonable or impractical (Assembly Circular 20/02 and Housing Act 1996 Section 24). These circumstances would generally relate to the age, condition and sustainability of the property. This may involve the consideration of re-housing to more suitable accommodation. The availability of the Relocation Grant could facilitate this.
- Also in accordance with circular 20/02 and section 24 of the Act the Council reserves the right to determine whether works are necessary or appropriate and to vary the works and costs where it considers that the works requested are more or less extensive than is required to meet the needs of the applicant.
- The Council will allow grant aid for the appointment of a suitably qualified agent to prepare drawings, obtain approvals, prepare schedules of work and contracts, and to supervise the work on behalf of the client. The Council will also act as agent on behalf of the client if required and will charge a fixed fee for this service. All such fees attract grant aid so in reality very few applicants incur any costs.

Relocation Grants

In exceptional cases the Council will consider relocation assistance for all tenures where it is considered the most cost effective or practical option and in cases where the applicant's current home is unsuitable for improvement, repair or adaptation.

The Council will inspect the existing and new property, and authorisation from the Housing and Communities Manager will be necessary prior to an offer being made. The maximum amount of financial assistance will be £10,000 and will cover costs including estate agents fees, solicitor's fees, stamp duty and difference in purchase price. Consideration will be given to further assistance to adapt the new premises where this, together with the relocation assistance, represents a more cost-effective solution than staying in the first home. Persons eligible will be limited to those who have been means tested for mandatory disabled facility grant or major or minor works assistance, and have not previously received relocation assistance. That is, the funds that would be used are those budgeted for DFGs.

Safety at Home (SAH) and Rapid Response Adaptation Programme (RRAP)

1. All enquiries will be referred to the Council's Occupational Therapy Service and an assessment completed. Any recommended works will be referred to Care and Repair Monmouthshire which will then decide on the assistance to be offered.
2. In order to achieve a rapid response there is no application form, enquiry or waiting list and no financial contribution required. Payment of invoices is made by Care and Repair Monmouthshire (CRM) who are reimbursed by the Council if funding is taken from the SAH allocation under a service level agreement.
3. The majority of work is referred to Monmouthshire' Care and Repair for completion is undertaken by the "Handyperson" Scheme. If the work is complex or requires the installation of specialist equipment, the Housing Grants Team can arrange for the work to be done.

SAH and RRAP Eligibility

This source of funding is only available to private sector households and will be available only where a referral has been received from the Occupational Therapy service to facilitate discharge from hospital or to sustain continued supported living at the applicant's residence.

- The grant is not means tested
- The grant is available to all owners and tenants
- Applicants are eligible to a maximum grant of £1,000 or £1,500 in exceptional cases.

General Conditions

In addition to the criteria attached to each form of assistance, the following general conditions apply to all grants except SAH/RRAP grants:

Applicants will be required to sign a certificate stating that they or a member of their family intends to occupy the dwelling as their own or main residence, or if a landlord they intend to let the dwelling as a residence to someone unconnected with them for a period of 5 years. In the case of landlords of HMO's this is a 7 year period during which they will be required to offer the Council nomination rights to all vacancies.

If the property is sold within 5 years of the completion of the assisted works then the grant will be repayable in full. However, in certain circumstances the Council will consider an application to waive part or full repayment. Generally, these would relate to cases of financial hardship where the owner can no longer afford to remain at the property. An application must be accompanied by full financial details.

The grant is registered as a charge against the property on the Land Charges register.

Performance and Appeals

The number of applications for any grant aid that can be dealt with is dependent on the availability of funding. This will affect the speed with which the Council can deal with enquiries and inevitably there will be waiting lists. The performance management of the Grants Team has recently been reviewed and the requirement for robust quality assurance and customer feedback has been recognised. As a result, new performance indicators have been devised including qualitative indicators and progress will be reported quarterly, in addition to a record of monthly service activity. The Council uses a customer feedback form which it uses to assess the quality of its services. It will also ensure that all referrers and grant applicants have a named officer with whom they can make contact regarding their grant and will maintain a waiting list of enquiries for assistance.

All applicants have the right to request a review of the decision and this request must be made within 21 days from the day on which the applicant is notified of the Council's decision. The applicant or someone acting on that persons behalf may make representation in writing to the Council in connection with the review and the Housing and Community Services Manager will consider all appeals. The Council will notify the applicant of the decision in a review within eight weeks from the day on which the request for the review is made, unless a longer period is mutually agreed between the Council and the applicant in writing. Applicants have no right to request a review of a decision reached on a previous review, but can refer to the Council's Complaints Procedure.

Safeguarding:

As per the Council's Safeguarding Policy, the Council ensures that all relevant staff have DBS checks every three years to as part of its approach to safe recruitment and to ensure that nobody is employed who poses a risk to clients.

In addition, all contractors who seek grant funded work will have to hold DBS checks for themselves, their employees and sub-contractors. The Council realises that maintaining full and up to date DBS checks places an administrative and financial burden on contractors but believes that such a requirement is reasonable and proportionate to the risks involved in working in the homes of vulnerable people.

Contractor's employees and sub-contractors spend a lot of time in people's homes when carrying out grant funded work. In the vast majority of cases they will experience nothing which gives them cause for concern about a person's well- being; but just occasionally they may see or hear something which worries them and they may not know what to do for the best. To address this the Council intends to organise "Breakfast Briefings" in the near future (no more than two hours) at which contractors will get free training session on what to do if they are concerned about the well being of someone in a house where they are working.

Contractor's Code of Practice (CoP):

The feedback we receive from DFG clients is most encouraging. Nevertheless, there are a number of issues which crop up from time to time and the Council considers that it would be useful if it produced a code of practice which set out their and grant recipient's expectations of the way DFG funded works will be carried out.

The Council considers itself to be very fortunate to have a well established list of contractors who are prepared to bid for grant funded works. Few problems are encountered during the progress of a grant and the quality of work and customer service is very good. It is hoped that contractors will see the CoP in a positive light.

Contractor Code of Conduct

CONTACT AND IDENTIFICATION:

Contractors must make telephone contact with clients within five working days of being informed by MCC that they have successfully bid for the work.

Contractors must provide contact telephone numbers to the client which provide a means of contact during working and non- working hours

Not less than two working days before it is intended that work will commence the contractor will provide the client with the name(s) of the employees who will be carrying out the work.

All contractors and their staff shall provide proof of identity at all times when working at the client's home.

SAFETY:

The contractor must provide for the safety of themselves, their employees, their sub-contractors and the occupants and visitors to the home in which they are working. In particular, no materials shall be stored where they cause an obstruction to anyone living in, visiting or using the property.

All tools and equipment must be stored safely and securely outside of working hours. Internal and external walkways must be kept free of obstructions and trip hazards.

CONSIDERATION:

All contractors must satisfy themselves that the intended method of working will not cause unreasonable discomfort to the occupiers of the house or those living nearby.

All contractors must have regard to any vulnerability of any occupier and make appropriate adjustments to their intended method of working where necessary.

Dust sheets and floor coverings shall be used where necessary.

The use of radios and CD players is permitted subject to the agreement of the occupiers and at a level which does not cause intrusion to their reasonable enjoyment of their home.

CARE:

Clients who are awarded Disabled Facilities Grants are almost certain to have vulnerable adults and/or children living in their home, and this should be borne in mind by the contractor when organising and carrying out the work.

If a contractor, employee or sub-contractor is concerned about the welfare of any person in the house where they are working they should (in the strictest confidence) advise their Housing and Communities Manager without delay.

All reports will be investigated sensitively and without disclosing the referrer's identity.

CONTINUITY:

It is the responsibility of all contractors to inform all employees and sub-contractors of their obligations under this code of practice.

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Future Generations Evaluation (includes Equalities and Sustainability Impact Assessments)

Name of the Officer Ian Bakewell Phone no: 01633 644455 E-mail: ianbakewell@monmouthshire.gov.uk	Please give a brief description of the aims of the proposal To review the Housing Renewal Policy
Name of Service Housing & Communities	Date Future Generations Evaluation 1 st May 2018

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1. **Does your proposal deliver any of the well-being goals below?** Please explain the impact (positive and negative) you expect, together with suggestions of how to mitigate negative impacts or better contribute to the goal.



Well Being Goal	How does the proposal contribute to this goal? (positive and negative)	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
A prosperous Wales Efficient use of resources, skilled, educated people, generates wealth, provides jobs	The proposal particularly supports the efficient use of (Social Care and Health particularly) resources. It also supports local employment through the funding availability,	The proposal will help to increase awareness about the services provided by the Council and available funding. There is a need to better market the loans availability.
A resilient Wales Maintain and enhance biodiversity and ecosystems that support resilience and	N/A	N/A

Well Being Goal	How does the proposal contribute to this goal? (positive and negative)	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
can adapt to change (e.g. climate change)		
A healthier Wales People's physical and mental wellbeing is maximized and health impacts are understood	The proposals supports the delivery of a function which supports people to remain living safely and independently which contributes to health and well-being for both applicants, family and carers	N/A
A Wales of cohesive communities Communities are attractive, viable, safe and well connected	The proposal supports sustainable communities from a perspective of applicants being supported to remain in their communities.	Ditto
A globally responsible Wales Taking account of impact on global well-being when considering local social, economic and environmental wellbeing	N/A	N/A
A Wales of vibrant culture and thriving Welsh language Culture, heritage and Welsh language are promoted and protected. People are encouraged to do sport, art and recreation	N/A	N/A

Well Being Goal	How does the proposal contribute to this goal? (positive and negative)	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
A more equal Wales People can fulfil their potential no matter what their background or circumstances	The proposals directly supports equality through the delivery of the service.	Ditto

2. How has your proposal embedded and prioritised the sustainable governance principles in its development?

Sustainable Development Principle	How does your proposal demonstrate you have met this principle?	What has been done to better to meet this principle?
 <p>Long-term Balancing short term need with long term and planning for the future</p>	<p>The proposal supports longer-term solutions for sustainable living and mitigates against the possibility of short-term expensive care</p>	<p>Proposals have been made about better planning in respect of physically disabled</p>
 <p>Collaboration Working together with other partners to deliver objectives</p>	<p>The proposal particularly will positively benefit partnership working because it strengthens the strategic function.</p>	<p>Liaison is currently in progress with contractors about being DBS checked and safeguarding training being arranged.</p>
 <p>Involvement Involving those with an interest and seeking their views</p>	<p>Staff have been consulted upon the proposal</p>	<p>N/A</p>

Sustainable Development Principle	How does your proposal demonstrate you have met this principle?	What has been done to better to meet this principle?
 <p>Prevention</p> <p>Putting resources into preventing problems occurring or getting worse</p>	<p>Proposal has a neutral impact on prevention</p>	<p>N/A</p>
 <p>Integration</p> <p>Positively impacting on people, economy and environment and trying to benefit all three</p>	<p>Ditto</p>	<p>N/A</p>

3. **Are your proposals going to affect any people or groups of people with protected characteristics?** Please explain the impact, the evidence you have used and any action you are taking below.

Protected Characteristics	Describe any positive impacts your proposal has on the protected characteristic	Describe any negative impacts your proposal has on the protected characteristic	What has been/will be done to mitigate any negative impacts or better contribute to positive impacts?
Age	The service will positively contribute	There are no negative impacts in relation to this proposal	N/A
Disability	Ditto	Ditto	Ditto
Gender reassignment	Ditto	Ditto	Ditto
Marriage or civil partnership	Ditto	Ditto	Ditto
Race	Ditto	Ditto	Ditto
Religion or Belief	Ditto	Ditto	Ditto
Sex	Ditto	Ditto	Ditto
Sexual Orientation	Ditto	Ditto	Ditto
Welsh Language	Ditto	None	Bi-lingual information is being made available

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4. Council has agreed the need to consider the impact its decisions has on important responsibilities of Corporate Parenting and safeguarding. Are your proposals going to affect either of these responsibilities? For more information please see the guidance note <http://hub/corporatedocs/Democratic%20Services/Equality%20impact%20assessment%20and%20safeguarding.docx> and for more on Monmouthshire's Corporate Parenting Strategy see <http://hub/corporatedocs/SitePages/Corporate%20Parenting%20Strategy.aspx>

	Describe any positive impacts your proposal has on safeguarding and corporate parenting	Describe any negative impacts your proposal has on safeguarding and corporate parenting	What will you do/ have you done to mitigate any negative impacts or better contribute to positive impacts?
Safeguarding	The service provides an option that can contribute to Corporate Parenting and Safeguarding	None	Implementing the DBSing of contractors and a pending proposal to for contractors to attend Safeguarding training.
Corporate Parenting	Ditto	None	The service supports cases identified by Social Care

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What evidence and data has informed the development of your proposal?

- Feedback from staff
- Identified risks
- Feedback from clients
- Safeguarding records
- Quarterly performance information

6. SUMMARY: As a result of completing this form, what are the main positive and negative impacts of your proposal, how have they informed/changed the development of the proposal so far and what will you be doing in future?

- The proposal effectively formalises the existing service
 - There are no negative implications

7. Actions. As a result of completing this form are there any further actions you will be undertaking? Please detail them below, if applicable.

What are you going to do	When are you going to do it?	Who is responsible	Progress
DBS Contractors	In progress	Ian Bakewell	Some contractors are DBS checked.
Arrange safeguarding training for contractors	Provisional arrangements have been made	Ian Bakewell	Date to be booked after discussions with contractors
Improve marketing of loan availability through website	By September 2018	Steve Griffiths	Single member Cabinet report scheduled to approve new loan arrangements. The changes can then be reflected on the website

8. Monitoring: The impacts of this proposal will need to be monitored and reviewed. Please specify the date at which you will evaluate the impact, and where you will report the results of the review.

<p>The impacts of this proposal will be evaluated on:</p> <p>1st October 2018</p>	<p>Will be reviewed on an on-going basis through the Housing Management Team, the Service Plan and quarterly performance monitoring</p>
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SUBJECT:	Private Sector Housing Loan Schemes – Change of Terms
MEETING:	Individual Member Cabinet Decision
DATE:	25th July 2018
DIVISION/WARDS AFFECTED:	All

1. PURPOSE:

- 1.1 To seek Cabinet Member approval for the implementation of the new criteria; terms and conditions of the delivery of the Welsh Government's Private Sector Housing Loan schemes.

2. RECOMMENDATIONS:

- 2.1 To approve and adopt the new criteria; terms and conditions for the delivery of private sector housing loans in Monmouthshire.

3. KEY ISSUES:

- 3.1 Welsh Government has provided local authorities in Wales with mixed funding to improve the standard of housing and help return empty properties back in to use in the private sector. This has taken the form of two types of funding streams: grant funding of £604,749.00, with the launch of the Houses into Homes scheme and a repayable loan funding stream of £620,855.69, known as the Home Improvement Loan Scheme. Both schemes are recyclable and offer loans to applicants on an interest free basis with a fee charged to the applicant for the administration process.
- 3.2 By implication the Houses into Homes funding stream being grant is offered to the Council in perpetuity so long as it is being utilised and recycled as loans to applicants. The Home Improvement Loan funding scheme in contrast has to be re-paid to Welsh Government by 2030. If the funding repayable is less than the award (ie from loan default) then Welsh Government will share 50% of the shortfall to a maximum amount of 2.5% of the funding awarded.
- 3.3 On the 25th March 2015, Individual Cabinet Member approval was acquired for the Council's participation in the Welsh Government Home Improvement Loan Scheme.
- 3.4 Local authorities have found varying degrees of success in delivering both schemes. Most have been successful promoting the H2H loan scheme (grant funded) but have been relatively unsuccessful with the loan funded HIL scheme. Whereas a small number have found their success has been the other way around. It is thought that the criteria of both schemes was too rigid and not flexible enough to respond to local factors that probably contributed to their being unsuccessful in a number of local authority areas. To address this the Welsh Government have proposed changes to the criteria and terms and conditions.
- 3.7 An overview of the loans available for private sector housing – both current and future criteria; terms and conditions can be found at **Appendix 1**
- 3.8 The following summarises the main changes to the schemes:
- 3.8.1 Removal of the 50/50 funding allocation criteria between both Houses into Homes and Home Improvement Loan schemes to allow each Authority to spend the loan funding according to demand in their areas.

- 3.8.2 However there is an expectation that the loans are prioritised towards bringing back into use empty properties and providing loans to applicants considered to be more 'risky', that is, they would fail affordability assessments.
- 3.8.3 The introduction of three distinct loan schemes
- 1) Owner/Occupier Loans
 - 2). Property Appreciation Loans - available to those applicants considered 'risky'.
 - 3). Landlord Loan (to be marketed in Monmouthshire as Landlord / Property Developer Loans
- 3.8.4 Administration Fees – These are allowed under the new criteria but are capped depending on the loan scheme. For the Owner Occupier and the Property Appreciation Loans any shortfall between the cap and the actual costs associated with administering the loan application can be recouped from the Grant Funding Stream. The total fee and recouped shortfall will not exceed the actual costs.
- 1). Owner/Occupier Loans: Monmouthshire will charge 50% of the total cost for administering the application to the client with the remaining shortfall costs up to £500 being funded out of the grant funding stream.
 - 2). Property Appreciation Loans: The fee chargeable to the applicant will be capped at £250 the remaining shortfall costs up to £250 being funded out of the grant funding stream.
 - 3). Landlord / Property Developer Loans: A one off fee can be charged and will be capped as no greater than the market rate of APR for loans of the same amount and term.

4. OPTIONS APPRAISAL:

- 4.1 Option 1: Not to approve the changes would mean the Council would not be able to access these funding streams and in the absence of alternative methods of funding, many owner occupiers and empty property owners will not be able to improve the sub-standard condition of their properties.
- 4.2 Option 2: The recommended option. Approving the changes will allow the Council to maximise the options available to improve the quality of the private sector housing and help bring back into use empty properties within the county.

5. EVALUATION CRITERIA:

- 5.1 An evaluation report can be found at **Appendix 2**.

6. REASONS:

- 6.1 It is the expectation of Welsh Government that the Council supports this proposal to support low income households.
- 6.2 The Council made the decision a number of years ago to withdraw discretionary private sector housing funding, such as renovation grants. There are, therefore, no alternative funding streams available to householders over and above a typical bank loan.

7. RESOURCE IMPLICATIONS:

- 7.1. There are currently no financial or resource implications at this stage, although the Council will need to be mindful that the 'loan' element will have to be repaid to Welsh Government by 2030 and in the event of a shortfall, will share 50% of the shortfall to a maximum amount of 2.5% of the funding awarded.

8. SUSTAINABLE DEVELOPMENT AND EQUALITY IMPLICATIONS:

- 8.1 The Future Generations Evaluation has been completed and no negative implications were identified (**See Appendix 3**)

9. SAFEGUARDING AND CORPORATE PARENTING IMPLICATIONS

9,1 The policy supports and contributes positively to these priorities (**See Appendix 3**)

10. CONSULTEES:

10.1 Chief Officer Enterprise; Cabinet Member for Enterprise; Head of Planning, Housing & Place-Shaping; Assistant Head of Finance; Head of Legal Services;

11. BACKGROUND PAPERS:

12. AUTHOR: Stephen Griffiths, Strategy & Policy Officer

13. CONTACT DETAILS:

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Overview - Private Sector Housing Loan Scheme

Background:

Welsh Government has provided local authorities in Wales with funding to improve the standard of housing and help return empty properties back in to use in the private sector. This has taken the form of two types of funding streams; grant funding stream and a repayable loan funding stream.

Both schemes offered interest free loans to applicants and are intended to be recyclable:

The success of both schemes under their current delivery mechanism has proved to be a bit hit and miss. Most local authorities have been successful promoting the H2H loan scheme (grant funded), while at the same time have been unsuccessful with the loan funded loan scheme. Whereas others have found their success has been the other way around.

It is thought that the criteria of both schemes was too rigid and not flexible enough to respond to local factors that probably contributed to their being unsuccessful in a number of local authority areas.

Factors

- Affordability Assessment –. Potential applicants failed at the 1st hurdle. The requirement that households / applicants have to undergo affordability assessments acts against low income households in that they are more likely fail the assessment, the very same households whose properties are in need of the work and for which the loan was designed to help. This would also preclude households / applicants who are asset rich but cash poor.
- Bad Debt Risk – The risk of bad debt can place an onerous liability on local authorities thereby diminishing their ability to be more flexible when it comes to determining affordability.
- The fact that the loan scheme has to be paid back to WG after 15 years limits the flexibility of the loan funded scheme. Again this precludes those households who require the work but cannot repay within the repayment term.

To address this the Welsh Government has introduced new funding criteria for both the grant and loan funded streams which will allow local authorities to be more responsive in addressing empty properties and sub-standard low quality housing in their locality.

The Current Delivery Mechanism (see Appendix 1A)

1) Grant Funding Award Stream – Houses into Homes (HIH)

This was awarded in 2012 as a grant to bring empty properties back into use and is by implication offered in perpetuity. From the beginning Welsh Government encouraged local authorities to work collaboratively in setting up regional working groups to oversee the administration of the funding award which became known as the Houses to Homes (H2H) loan scheme. The purpose of scheme was to help empty property owners with refurbishment costs required to bring their properties back into use through sale or rent.

The five local authorities of South East Wales - Monmouthshire, Newport, Caerphilly, Blaenau Gwent and Torfaen - came together to form the Gwent region.

It was agreed regionally that there would be a pooling of the five authorities' allocated award and the scheme would be administered by Newport City Council. It was also agreed that if demand in one local authority area was greater than their allocated award and another local authority area was underspending, the underspending authority could offer up their unspent award to meet that demand.

Monmouthshire allocated award was £604,749.00. The total pooled amount for the region was £3,545,524.00

Loans were offered to empty property owners on the following main criteria:

- Minimum loan £1000, maximum loan £25,000 per property
- No loan to an individual to exceed £150,000
- Loan term period was not to exceed 2 years for owners who intended to sell and 3 years for owners who intended to rent out their properties.
- Loans were to be paid off in full at the end of the respective term.
- All loans were to be secured against the property either as a first or second charge.
- All repayable funds were to be recycled.
- Administration fees could be charged at the following fixed rates
 - £290 for loans up to £50K
 - £390 for loans between 50k and £100k
 - £490 for loans greater than £100k

2) Repayable Funding Award Stream – Home Improvement Loan (HIL)

This was awarded in 2015 as a loan to Monmouthshire County Council to provide a loans for Home Improvement and Empty Properties. Monmouthshire's Loan Fund is £620,855.69. This is required to be repaid in full to WG during the financial year 2029 – 30. Within the provisions of the loan terms there is a bad debt provision whereby the Welsh Government would share equally with the Council any bad debt up to a maximum of 5% of the total amount of bad debt. Any bad debt accrued above this figure is to be met by the Local Authority.

Due to the fact that the award is a loan and local authorities are responsible for repaying their allocated award to Welsh Government in 2030, the administration of the scheme rests with each individual local authority.

The purpose of the Repayable Funding is to provide recyclable loans to owner occupiers, landlords and empty property owners.

The loan award has two elements to it:

- The Home Improvement Loan Scheme - offered to both owner occupiers and landlords of properties that are of substandard condition. The scheme provided loans to help with refurbishment costs that made the properties 'safe, warm and secure' on the following criteria.
 - Applicants can apply for an interest free loan of between £1,000 and £25,000
 - For landlords no loan to an individual to exceed £150,000
 - Loans to be paid by monthly repayment.

- The maximum recyclable loan period under the Home Improvement Loan is 5 years for Landlords and 10 years for owner occupiers.
 - Loans to be secured as a first or second charge
 - A one off administration fee of 8% of the amount borrowed is charged.
 - For Landlords who offered the Council nomination rights the administration fee was 4%
- Houses to Homes Scheme – provided loans to empty property owners on the following criteria
- Applicants can apply for an interest free loan of between £1,000 and £25,000
 - No loan to an individual to exceed £150,000
 - The loan period is 2 years if the intention is to sell and 3 years if the intention is to rent the property after the completion of the works.
 - Full repayment at the end of the loan term or on transfer/sale of the property if earlier.
 - A one off administration fee of up to £495 could be charged.

The Delivery Mechanism from June 2018 (See Appendix 1B)

Set out below is a summary of the main aspects of the new funding mechanisms, see appendix 1B for more detail.

In readiness for the introduction of the new delivery mechanism from the 30th June the regional working group that oversaw the Gwent region's pooled resources was disbanded with each authority receiving their nominal funding award. For Monmouthshire this is £604,749.00. This means that as from the 30th June the total amount of funding available to Monmouthshire is £1,225,604.69.

1). Grant Funding Award Stream (604,749,00).

- This is known now as "Owner Occupier Repayable Financial Assistance" and offers Home Improvement loans (HIL) to owner occupiers who are unable to access other forms of lending because of affordability issues. As these loans are financed from the grant funding stream there is no requirement to repay the funding back to WG. Loans that can be offered are known as Property Appreciation and Lifetime loans.
- One advantage of these types of loans is that no money has to be repaid by the applicant until a predetermined event occurs such as the death of the applicant or the sale of the property.
- Consequently, these types of loans can be targeted at those applicants who are asset rich and cash poor and therefore do not have the means to meet the monthly repayment.

2). Loan Funding Award Stream (620,855.69).

Loans funded from this stream are known now as Owner Occupier Loans and targeted at the following applicants

Owner / Occupiers

- Loan amount from £1000 - £25,000
- Offered to empty property owners and owner occupiers who pass the affordability test.
- Repayment Terms will depend on the end use of the property.
 - For empty property owners the following applies.
 - If the owner intends to occupy the property after refurbishment the term is up to 10 years.
 - If the owner does not intend to occupy – up to 5 years.
 - For owner occupiers refurbishing their main place of residence.

- Repayment period is up to 10 years.
- Fees – Can charge up to a 50% (£500) of the actual admin costs. The remainder of the admin cost can be claimed from the grant funding element*.

Landlord / Developer

- Loans amounts from (£1000 - £25,000 per property up to a maximum of 10 properties - £250K
- Offered to developers that purchase empty properties to bring back them back into use. Repayment terms will depend upon the end use of the refurbished property:
 - If the property is being sold after refurbishment the term is 2 years
 - If the property is going to be for rental at market rents the term is 5 years.
 - If the property is going to be for rental at LHA rate the term is 10 years.
- Fees – This can be determined by us BUT it should not exceed the market rate APR for loans of same amount and term of repayment.

Owner Occupier Repayable Financial Assistance

- Offered to applicants who have failed the financial affordability checks.
- Fees to be capped at £250 per application and added to the loan but can top up from the grant funding element to a maximum of £250 per application*.
 - These loans will be life time loans repayable on the sale of the property (likely to be when the loan applicant dies).
 - For this reason this type of loan should be payable from the grant funding pot of money as this pot is not required to be paid back to WG, although it does mean that monies loaned could take some considerable time to be repaid to us. We will need to put in place a policy setting out lending criteria and length of term of the loan. It probably not inconceivable that we could have money loaned out for 30+ years depending on the ages of the applicant and whether they move or stay put.

Criteria, Terms and Conditions

The Purposes

The Repayable Funding is offered to you in accordance with the provisions of this Schedule for the purposes of:

- (a) Providing loans to owner occupiers and the private rented sector (“PRS”) to improve properties (the “Home Improvement Loans” or “HIL”); and
- (b) Providing loans to bring empty properties back into use (the “Houses into Homes Loans”).

50% of the Repayable Funding paid to you (either directly from us or reallocated to you from another local authority) must be used for Home Improvement Loans and 50% must be used for Houses into Homes Loans within your region.

Part 1 of this Schedule sets out the specific criteria for the Home Improvement Loans.

Part 2 of this Schedule sets out the specific criteria for the Houses into Homes Loans.

Part 3 of this Schedule sets out the conditions which apply to your use and administration of the Repayable Funding.

Part 1: Home Improvement Loans Criteria

You must provide HILs within the framework set out below: General requirements	There must be consistency, from the perspective of the loan recipient, in respect of the eligibility criteria for a HIL and the terms on which the HILs are provided.
Maximum fee charged to a loan recipient	A one off administration fee of up to 15 per cent of the HIL amount may be charged. For example, a £10,000 HIL could incur a maximum fee of £1,500. The sum of the fee charged must take into account the APR (annual percentage rate) of the HIL for the term of the loan. The APR of the HIL must not be greater than the market rate of APR for loans of the same amount and term.
Minimum and maximum HIL value per unit of accommodation	£1,000 up to £25,000
Maximum HIL available per loan recipient	£150,000 at any one time. Once repaid the applicant can reapply.
Interest	HILs must be interest free.

Permitted improvement works	<p>Works which make a residential property safe warm and/or secure.</p> <p>This includes such works undertaken to Empty Properties on the condition that (i) the loan recipient occupies the property on completion of the works for the duration of the loan; and (ii) if the loan recipient dies, ceases to occupy the property or transfers/sells the property before expiry of the loan term the loan is repaid immediately. Works undertaken by a PRS to an Empty Property is not eligible.</p> <p>“Empty Property” means a property which has not been lived in for at least six consecutive months.</p>
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HILs can be provided for the purpose of improving a residential property to/for:	<ul style="list-style-type: none"> • Continued ownership • Sell • Rent
HIL conditions	<p>The HIL terms and conditions must specify:</p> <ul style="list-style-type: none"> • The purpose/works for which the HIL is provided. • if after completion of works funded by a HIL the relevant property contains a category 1 hazard (as defined by Housing Health and Safety Rating System (HHSRS)) the property cannot be rented out. (for PRS only). • that if the loan recipient sells the property during the term of the HIL the loan must be immediately repaid in full.
Maximum loan period	<ul style="list-style-type: none"> • Up to 5 years; • For owner occupiers: <ul style="list-style-type: none"> ○ Up to 10 years, ○ or a lifetime charge may be taken over the property and the loan can be repaid on the earlier of the death of the loan recipient, when the loan recipient ceases to occupy the property or on the transfer/sale

	<p>of the property.</p> <p>In the context of lifetime charges, the HIL will be deemed to have been repaid in full on the earlier of 31 March 2026 or the tenth anniversary of the HIL loan agreement and you are required to recycle an amount equivalent to the HIL provided in accordance with paragraph 2 of Part 3 of this Schedule.</p>
Payment terms	<p>HILs can be drawdown by loan recipients</p> <ul style="list-style-type: none"> • in advance, • in stages, or • on completion of the improvement works.
Repayment terms	<p>Either staged repayments (monthly, quarterly or yearly) or full repayment at the end of the HIL term or on transfer/sale of the property if earlier unless specified otherwise herein.</p>
Eligible loan recipients	<ul style="list-style-type: none"> • Owners of sub-standard residential properties e.g. landlords, • Owner occupiers who pass affordability checks.
Risk mitigation measures	<p>Two or more of the following measures should be applied to each HIL:</p> <ul style="list-style-type: none"> • loan to value ratio, • first/second property charges, • local land charges, • staged repayments, • default fees, • Staged payments to the loan recipient.
Part funding and financial viability	<ul style="list-style-type: none"> • HILs must only be provided to fund financially viable improvement works. • A HIL may be provided to fund part of the improvement works provided that evidence of sufficient/adequate funding for the remainder of the works is provided.
Other funding options:	<ul style="list-style-type: none"> • Other funding options such as Arbed must be explained to loan applicants. • Other funding options can be used in conjunction with the HIL as long as there is no double funding of the works. • Loan applicants that can easily obtain commercial finance to fund the improvement works should be directed to appropriate sources of funding.

Part 2: Houses into Homes Loans Criteria

General requirements	There must be consistency, from the perspective of the loan recipient, in respect of the eligibility criteria for a Houses into Homes Loans and the terms on which the Houses into Homes Loans are provided.
Maximum fee charged to a loan recipient	£495
Minimum and maximum Houses into Homes Loan value	£1,000 up to £25,000
Maximum Houses into Homes Loan available per loan recipient	£150,000 at any one time. Once repaid the applicant can reapply.
Interest	Houses into Home Loans must be interest free.
Permitted improvement works	Works which bring an Empty Property back into use.
Houses into Homes Loans can be provided for the purpose of bringing an Empty Property back into use to/for:	<ul style="list-style-type: none"> • Sell • Rent
Houses into Homes Loan conditions	<p>The Houses into Homes Loan terms and conditions must specify:</p> <ul style="list-style-type: none"> • The purpose/works for which the Houses into Homes Loan is provided. • If after completion of works funded by a Houses into Homes Loan the relevant property contains a category 1 hazard (as defined by Housing Health and Safety Rating System (HHSRS)) the property cannot be rented out. (for PRS only) • That if the loan recipient sells the property during the term of the Houses into Homes Loan, the loan must be immediately repaid in full.
Maximum loan period	<ul style="list-style-type: none"> • A maximum of 2 years if the intention is to sell the property following the works. • A maximum of 3 years if the intention is to rent the property following the works.
Payment terms	<p>Houses into Homes Loans can be drawn down by loan recipients</p> <ul style="list-style-type: none"> • in advance, • in stages, or • on completion of the works.
Repayment terms	Full repayment at the end of the Houses into Homes loan term or on transfer of the property if earlier.

Eligible loan recipients	<ul style="list-style-type: none"> • Owners of Empty Properties who pass affordability checks. <p>“Empty Property” means a property which has not been lived in for at least six consecutive months.</p>
Risk mitigation measures	A maximum loan to value of 80%
Part funding and financial viability	<p>Houses into Homes Loans must only be provided to fund a schedule of improvement works which is financially viable taking into account the sum of the loan to be offered and any other funding available to the loan recipient.</p> <p>A Houses into Homes Loan may be provided to fund part of the works provided that evidence of sufficient/adequate funding for the remainder of the works is provided.</p>
Other funding options:	<p>Other funding options such as Arbed must be explained to loan applicants.</p> <p>Other funding options can be used in conjunction with the Houses into Homes Loan as long as there is no double funding of the works.</p> <p>Loan applicants that can easily obtain commercial finance to fund the improvement works should be directed to appropriate sources of funding.</p>

Part 3: Conditions on the use and administration of the Repayable Funding.

1. The Repayable Funding is not awarded in replacement of any current scheme in place for those individuals in absolute need. It is offered and intended to complement any current scheme operated by you which provides grants to those who cannot make loan repayments.
2. You must hold and use the Repayable Funding as a recyclable loan fund (the “Loan Fund”). On repayment by a loan recipient, the Repayable Funding must be recycled during the Term. You may decide not to recycle the Repayable Funding during financial years (1 April – 31 March) 2027/28, 2028/29, 2029/30. Any funding that you chose not to recycle should be repaid to us immediately.
3. From 1 April 2017 you must not retain any Repayable Funding which is not allocated/offered as a HIL or Houses into Homes Loan for longer than 6 months and must either make arrangements to transfer such underspend to another local authority within your region (in accordance with paragraph 5 of Schedule 1, part 3) or to repay the sum to us on demand so that it can be allocated to a local authority outside your region.
4. You must inform us of any expected “underspend” in the aggregate sum of HILs and Houses into Homes Loans provided immediately and make arrangements to transfer such underspend to another local authority within your region (in accordance with paragraph 5 of Schedule 1, part 3) or to repay the sum to us on demand so that it can be allocated to a local authority outside your region.

5. You may not transfer any Repayable Funding to another local authority within your region without our written approval. To obtain our written approval you must send the intra-region transfer pro-forma signed by you and the other local authority to the Welsh Government Official.
6. Any interest earned from holding the Repayable Funding must be recycled into the Loan Fund and added to the sum available for providing HILs or Houses into Homes Loans.
7. You must prioritise home owners over PRS when offering HILs.
8. You must prioritise landlords who offer affordable housing or properties where you have nomination rights to the property.
9. The Repayable Funding cannot be used towards any management, administration or operating costs incurred by you in providing HILs and Houses into Homes Loans and in managing and administering the Loan Fund.
10. Any fee charged by you for providing HILs and Houses into Homes Loans may be used towards any operating costs incurred by you in providing HILs and Houses into Homes Loans and managing and administering the Loan Fund including (but not limited to) any legal or professional costs or the costs of any searches.
11. You are responsible for managing all HILs and Houses into Homes Loans provided and for ensuring that all necessary procedures are in place before any HIL or Houses into Homes Loans is offered. In the event that you procure a third party to manage and administer the Loan Fund and to provide the HILs or Houses into Homes Loans you must ensure that appropriate contractual documentation are in place between you and the third party.
12. You must determine what due diligence procedures are appropriate and undertake the necessary due diligence before a HIL or Houses into Homes Loan is offered including but not limited to an assessment to ensure compliance with the State Aid Rules.
13. You must put in place appropriate HIL or Houses into Homes Loan terms and conditions ensuring that they are in accordance with the provisions of Part 1 or Part 2 of this Schedule 1, as appropriate. It is your responsibility to obtain legal advice on the terms and conditions on which any HILs and Houses into Homes Loans are provided.
14. You must collaborate with the other local authorities within your region to agree
 - (i) consistency in the provision and management of the HILs and Houses into Homes Loans and
 - (ii) the procedure for the transfer of Repayable Funding to another local authority in your region.
15. You must exercise reasonable skill care and diligence in your management of the Loan Fund.

SCHEDULE 2

Notification Events

The Notification Events referred to in Condition 9 are listed below:

1. Repayment of any part of the Repayable Funding is required under European Law (whether under State Aid Rules or otherwise);
2. You fail to comply with any of the Conditions;
3. We have made an overpayment of Repayable Funding to you;
4. Any declaration made in Condition 8 is incorrect in any respect or, if repeated at any time with reference to the facts and circumstances then existing, would be incorrect;
5. There is a change in your constitution, status, ownership and/or your external auditors resign.

6. Any event occurs or circumstances arise which in our opinion gives reasonable grounds for believing that you may not, or may be unable, to perform or comply with any of your obligations under these Conditions (including but not limited to your ability to repay the Repayable Funding).

SCHEDULE 3

Repayment Plan

1. You must repay the Repayable Funding during the financial year 2029/2030 (1 April 2029 – 31 March 2030) in one instalment within 3 calendar months of the date of a written notice of demand (the “Repayment Notice”) from us or such other period specified therein. The sum repayable (the “Repayment Amount”) shall be the total sum of Repayable Funding paid to you (including any sum reallocated to you from another local authority for the Purpose) minus:
 - a. the sum of any Repayable Funding already repaid by you to us for reallocation to another local authority in accordance with paragraphs 3 or 4 of Schedule 1, Part 3;
 - b. the sum of Repayable Funding reallocated by you to another local authority in accordance with paragraphs 3 or 4 of Schedule 1, Part 3; and
 - c. 50% of any shortfall in the Loan Fund up to a maximum of 2.5% of the total sum of Repayable Funding paid to you.

For the purpose of this paragraph 1c:

- i. any HIL or Houses into Homes Loan offered by you with a repayment date after the date of the Repayment Notice shall be deemed to have been repaid in full. The entire financial risk of default by the loan recipient shall be borne by you; and
 - ii. “the total sum of Repayable Funding paid to you” shall mean the total sum of Repayable Funding paid to you (including any sum reallocated to you from another local authority for the Purposes) minus the amounts described in paragraphs 1a and 1b above.
2. Within 1 calendar month of the date of the Repayment Notice you must confirm in writing the sum you intend to repay together with supporting evidence.
 3. A repayment profile will be provided to you on a yearly basis on request. The repayment profile will set out the total sum of Repayable Funding paid to you, the sum of Repayable Funding repaid to us and the sum of Repayable Funding reallocated to or from you (if any).
 4. All payments made by you to us must be made in full, without set-off, counterclaim or condition, and free and clear of, and without any deduction or withholding without our prior written agreement.
 5. Interest will accrue on any overdue repayment of the Repayable Funding in accordance with Condition 9(e).

Part 1: Owner Occupier Loans Criteria

You must provide Owner Occupier Loans within the framework set out below:

General requirements	There must be consistency, from the perspective of the loan recipient, in respect of the eligibility criteria for an Owner Occupier Loan and the terms on which the Owner Occupier Loans are provided.
Maximum fee charged to a loan recipient:	<p>A suggested one off fee of up to 50% of the costs associated with administering the loan application up to a maximum of £500. A contribution towards the remaining costs of up to £500 may be made from the Grant Funding.</p> <p>The total fee and subsidy from the Grant Funding must not exceed the actual costs associated with providing the Owner Occupier Repayable Financial Assistance.</p>
Minimum and maximum Owner Occupier Loan value per unit of accommodation	£1,000 up to £25,000
Interest	Owner Occupier Loans must be interest free.
Permitted improvement works	<p>Works which make a residential property safe warm and/or secure.</p> <p>This includes such works undertaken to Empty Properties on the condition that (i) the loan recipient occupies the property on completion of the works for the duration of the loan; and (ii) if the loan recipient dies, ceases to occupy the property or transfers/sells the property before expiry of the loan term the loan is repaid immediately.</p>

<p>Owner Occupier Loans can be provided for the purpose of improving a residential property for:</p>	<ul style="list-style-type: none"> • continued ownership • sale • rent
<p>Owner Occupier Loans conditions</p>	<p>The Owner Occupier Loans terms and conditions must specify:</p> <ul style="list-style-type: none"> • the purpose/works for which the Owner Occupier Loan is provided. • if after completion of works funded by an Owner Occupier Loan the relevant property contains a category 1 hazard (as defined by Housing Health and Safety Rating System (HHSRS)) the property cannot be rented out. (for PRS only) • that if the loan recipient sells the property during the term of the Owner Occupier Loan the loan must be immediately repaid in full.
<p>Maximum loan period</p>	<p>For home owners who do not occupy the property: up to 5 years;</p> <p>For owner occupiers: up to 10 years or a lifetime charge may be taken over the property and the loan can be repaid on the earlier of the death of the loan recipient, when the loan recipient ceases to occupy the property or on the transfer/sale of the property.</p> <p>In the context of lifetime charges, the Owner Occupier Loan will be deemed to have been repaid in full on the earlier of 31 March 2026 or the tenth anniversary of the Owner Occupier Loan agreement and you are required to recycle an amount equivalent to the Owner Occupier Loan provided in accordance with paragraph 2 of Part 4 of this Schedule.</p>
<p>Payment terms</p>	<p>Owner Occupier Loans can be drawn down by loan recipients in advance, in stages or on completion of the improvement works.</p>
<p>Repayment terms</p>	<p>Either staged repayments (monthly, quarterly or yearly) or full repayment at the end of the Owner Occupier Loan term or on transfer/sale of the property if earlier unless specified otherwise herein.</p>

Eligible loan recipients	Owner occupiers of sub-standard residential properties who pass affordability checks.
Risk mitigation measures	Two or more of the following measures should be applied to each Owner Occupier Loan: loan to value ratio, first/second property charges, local land charges, staged repayments, default fees, staged payments to the loan recipient.
Part funding and financial viability	Owner Occupier Loans must only be provided to fund financially viable improvement works. Owner Occupier Loans may be provided to fund part of the improvement works provided that evidence of sufficient/adequate funding for the remainder of the works is provided.
Other funding options:	<ul style="list-style-type: none"> • Other funding options such as Arbed must be explained to loan applicants. • Other funding options can be used in conjunction with the Owner Occupier Loan as long as there is no double funding of the works. • Loan applicants that can easily obtain commercial finance to fund the improvement works should be directed to appropriate sources of funding.

Part 2: Owner Occupier Repayable Financial Assistance Criteria

General requirements	<p>Owner Occupier Repayable Financial Assistance such as Property Appreciation Loans or Lifetime Loans (please see below for details) will be offered at your discretion to applicants who fail affordability checks for Owner Occupier Loans. Owner Occupier Repayable Financial Assistance may only be given for HHSRS hazards and in order to improve the house to a 'safe, warm and secure' standard and may not cover all costs requested in the application. All Owner Occupier Repayable Financial Assistance must be repayable to you.</p> <p>A Property Appreciation Loan is a loan registered as an equity charge on the property to which the loan relates that is repayable upon sale or disposal of the property. The loan is linked to a percentage of the property value, rather than a fixed figure.</p> <p>A Lifetime Loan is a lump sum loan, where the interest payable is rolled up over the full term. The loan is repayable upon sale or disposal of the property.</p>
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	Where no equity exists in the property, you may assume that equity will be available upon repayment. However, you must be mindful that there is a higher chance of non-repayment.
Fee	<p>The fee chargeable to the applicant is capped at £250, however, this must be added to the Owner Occupier Repayable Financial Assistance.</p> <p>A £250 contribution towards the costs of administering the application may be used from the Grant Funding.</p> <p>The total fee and subsidy from the Grant Funding must not exceed the actual costs associated with providing the Owner Occupier Repayable Financial Assistance.</p>
Terms and conditions	<p>The terms and conditions must specify:</p> <ul style="list-style-type: none"> • the purpose/works for which the Owner Occupier Repayable Financial Assistance is provided. • that the Owner Occupier Repayable Financial Assistance must be repaid upon the earlier of the death of the recipient, when the recipient ceases to occupy the property or on the transfer/sale of the property
Payment terms	Owner Occupier Repayable Financial Assistance can be paid in advance to successful applicants
Eligible recipients of Owner Occupier Repayable Financial Assistance	Owner occupiers of sub-standard residential properties who fail affordability checks but are not eligible for other financial assistance schemes e.g. those which require the recipient to be in receipt of means tested benefits

Part 3: Landlord Loans Criteria

General requirements	There must be consistency, from the perspective of the loan recipient, in respect of the eligibility criteria for a Landlord Loans and the terms on which the Landlord Loans are provided.
Maximum fee charged to a landlord	<p>A one off fee to cover the costs of administering the loan.</p> <p>The sum of the fee charged must take into account the APR (annual percentage rate) of the Landlord Loan for the term of the loan. The fee expressed as an APR of the Landlord Loan must not be greater than the market rate of</p>

	APR for loans of the same amount and term. We suggest that the fee is reviewed annually to ensure it is below market rates.
Minimum and maximum Landlord Loan amount	£1,000 up to £25,000
Maximum Landlord Loan available per loan recipient	£250,000 per application - £25,000 per property for up to 10 properties. Once repaid the applicant can apply for further funding.
Interest	Landlord Loans must be interest free.
Permitted improvement works	Works which bring an Empty Property back into use.
Landlord Loans can be provided for the purpose of improving an existing property or bringing an Empty Property back into use to:	<ul style="list-style-type: none"> • sell • rent
Landlord Loan conditions	<p>The Landlord Loan terms and conditions must specify:</p> <ul style="list-style-type: none"> • the purpose/works for which the Landlord Loan is provided. • if after completion of works funded by a landlord Loan the relevant property contains a category 1 hazard (as defined by Housing Health and Safety Rating System (HHSRS)) the property can not be rented out. (for PRS only) • that if the loan recipient sells the property during the term of the Landlord Loan, the loan must be immediately repaid in full.
Maximum loan period	<p>A maximum of 2 years if the intention is to sell the property following the works. A maximum of 5 years if the intention is to rent the property following the works.</p> <p>A maximum of 10 years if the intention is to rent the property at Local Housing Allowance (LHA) rates following the works, with a 10 year commitment for Local Authority tenant nomination rights required.</p>

Payment terms	Landlord Loans can be drawn down by loan recipients in advance, in stages or on completion of the works.
Repayment terms	<p>Either staged repayments (monthly, quarterly or yearly) or full repayment at the end of the Landlord Loan term or on transfer/sale of the property if earlier.</p> <p>At your discretion, you can offer to 'write off' the loan value at the end of a 10 year term if the landlord agrees to rent out of the property at LHA rates and give the Local Authority tenant nomination rights for a 10 year period. It is important to note that this funding will therefore be unavailable for recycling.</p>
Eligible loan recipients	Owners of substandard/Empty Properties who pass affordability checks.
Risk mitigation measures	Two or more of the following measures should be applied to each Landlord Loan: loan to value ratio, first/second property charges, local land charges, staged repayments, default fees, staged payments to the loan recipient.
Part funding and financial viability	<p>Landlord Loans must only be provided to fund a schedule of improvement works which is financially viable taking into account the sum of the loan to be offered and any other funding available to the loan recipient.</p> <p>A Landlord Loan may be provided to fund part of the works provided that evidence of sufficient/adequate funding for the remainder of the works is provided.</p>
Other funding options:	<ul style="list-style-type: none"> • Other funding options such as Arbed must be explained to loan applicants. • Other funding options can be used in conjunction with the landlord Loan as long as there is no double funding of the works. • Loan applicants that can easily obtain commercial finance to fund the improvement works should be directed to appropriate sources of funding.

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Evaluation Criteria – Cabinet, Individual Cabinet Member Decisions & Council

Title of Report:	Private Sector Housing Loan Schemes – Change of Terms
Date decision was made:	19 th June 2018
Report Author:	Stephen Griffiths

What will happen as a result of this decision being approved by Cabinet or Council?	
Page 95	<ul style="list-style-type: none"> • Loan products will be available to owner /occupiers, especially those who cannot access commercial loans, to help improve the quality of their homes in terms of making their properties warm (better thermal insulation), safe (the elimination of hazards under the Housing Health and Safety Rating System) and secure (security of the property, eg window and doors, etc). • Loans products will be available empty property owners and & landlord developers for the refurbishment of empty properties and their return back into use.
12 month appraisal	

What benchmarks and/or criteria will you use to determine whether the decision has been successfully implemented?
<p>the following will be monitored:</p> <ul style="list-style-type: none"> • Number of applicants applying

- Number of properties refurbished
- Number of properties returned back into use.

What is the estimate cost of implementing this decision or, if the decision is designed to save money, what is the proposed saving that the decision will achieve?

There are no costs or saving associated with the update

12 month appraisal

Any other comments

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Future Generations Evaluation (includes Equalities and Sustainability Impact Assessments)

<p>Name of the Officer completing the evaluation Stephen Griffiths</p> <p>Phone no: 01633 644455 E-mail: stephengriffiths@monmouthshire.gov.uk</p>	<p>Please give a brief description of the aims of the proposal</p> <p>Private Sector Housing Loan Schemes – Change of Terms</p> <p>The proposal sets out the criteria that will be used to establish a number of loan products that will be available for the refurbishment of sub-standard private sector housing in Monmouthshire.</p>
<p>Name of Service</p> <p>Housing & Community Services</p>	<p>Date Future Generations Evaluation form completed</p> <p>26th May 2018</p>





1. **Does your proposal deliver any of the well-being goals below?** Please explain the impact (positive and negative) you expect, together with suggestions of how to mitigate negative impacts or better contribute to the goal.


Well Being Goal	How does the proposal contribute to this goal? (positive and negative)	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
<p>A prosperous Wales Efficient use of resources, skilled, educated people, generates wealth, provides jobs</p>	<p>Neutral Contribution.</p>	
<p>A resilient Wales Maintain and enhance biodiversity and</p>	<p>Neutral Contribution</p>	

ecosystems that support resilience and can adapt to change (e.g. climate change)		
A healthier Wales People's physical and mental wellbeing is maximized and health impacts are understood	It positively contributes to the health occupants of properties that are of sub-standard quality through their refurbishment that will make them warm safe and secure.	
A Wales of cohesive communities Communities are attractive, viable, safe and well connected	It positively contributes through the refurbishment of substandard houses and by returning empty properties back into use.	
A globally responsible Wales Taking account of impact on global well-being when considering local social, economic and environmental wellbeing	Through the provision of good quality housing	
A Wales of vibrant culture and thriving Welsh language Culture, heritage and Welsh language are promoted and protected. People are encouraged to do sport, art and recreation	A neutral contribution	

2. How has your proposal embedded and prioritised the sustainable governance principles in its development?

Sustainable Development Principle	How does your proposal demonstrate you have met this principle?	What has been done to better to meet this principle?
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Sustainable Development Principle	How does your proposal demonstrate you have met this principle?	What has been done to better to meet this principle?
 <p>Long-term Balancing short term need with long term and planning for the future</p>	<p>The provision of the loans to owner occupiers would be deemed 'too risky' to access loans from the commercial market will meet their short term need to live in housing that is of good quality of being warm, safe and secure. Once refurbished these properties will add to the number of good quality houses that will be available in the long term.</p>	
 <p>Collaboration Working together with other partners to deliver objectives</p>	<p>Not Applicable</p>	
 <p>Page 99 Involvement Involving those with an interest and seeking their views</p>	<p>Not Applicable</p>	
 <p>Prevention Putting resources into preventing problems occurring or getting worse</p>	<p>Not applicable</p>	

Sustainable Development Principle	How does your proposal demonstrate you have met this principle?	What has been done to better to meet this principle?
 <p data-bbox="120 363 264 395">Integration</p> <p data-bbox="85 400 479 480">Positively impacting on people, economy and environment and trying to benefit all three</p>	<p data-bbox="517 231 1077 263">Through the availability of good quality housing.</p>	

3. Are your proposals going to affect any people or groups of people with protected characteristics? Please explain the impact, the evidence you have used and any action you are taking below.

Protected Characteristics	Describe any positive impacts your proposal has on the protected characteristic	Describe any negative impacts your proposal has on the protected characteristic	What has been/will be done to mitigate any negative impacts or better contribute to positive impacts?
Age	None	None	
Disability	None	None.	
Gender reassignment	None	None	
Marriage or civil partnership	None	None	
Race	none	None	
Religion or Belief	None	None	
Sex	None	None	
Sexual Orientation	None	None	
Welsh Language	None	None	

4. Council has agreed the need to consider the impact its decisions has on important responsibilities of Corporate Parenting and safeguarding. Are your proposals going to affect either of these responsibilities? For more information please see the guidance note <http://hub/corporatedocs/Democratic%20Services/Equality%20impact%20assessment%20and%20safeguarding.docx> and for more on Monmouthshire's Corporate Parenting Strategy see <http://hub/corporatedocs/SitePages/Corporate%20Parenting%20Strategy.aspx>

	Describe any positive impacts your proposal has on safeguarding and corporate parenting	Describe any negative impacts your proposal has on safeguarding and corporate parenting	What will you do/ have you done to mitigate any negative impacts or better contribute to positive impacts?
Safeguarding	None	<i>No negative impacts</i>	
Corporate Parenting	None	No negative impacts	

5. What evidence and data has informed the development of your proposal?

None

6. **SUMMARY:** As a result of completing this form, what are the main positive and negative impacts of your proposal, how have they informed/changed the development of the proposal so far and what will you be doing in future?

The main positive benefits of the proposal are:

- Improving the quality of sub-standard housing.
- Improving the quality of life for those living in substandard low quality housing
- The loans are available to applicants who would otherwise be excluded from accessing commercial loans.
- Returning back into use empty properties
- Increasing accommodation options within Monmouthshire.

The main negative impacts are: None identified to date

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7. Actions. As a result of completing this form are there any further actions you will be undertaking? Please detail them below, if applicable. Yes

What are you going to do	When are you going to do it?	Who is responsible	Progress
Submit to Cabinet	July 2018	Stephen Griffiths	
Review the Policy and submit to Select	June 2019	Stephen Griffiths	

8. Monitoring: The impacts of this proposal will need to be monitored and reviewed. Please specify the date at which you will evaluate the impact, and where you will report the results of the review.

The impacts of this proposal will be evaluated on:	During May – June 2019 and submitted to Select
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**SCHEDULE 12A LOCAL GOVERNMENT ACT 1972
EXEMPTION FROM DISCLOSURE OF DOCUMENTS**

Meeting and Date of Meeting: Independent Cabinet Member Decision – 25th July 2018

Report: Independent Care Home Fees in Monmouthshire 18 - 19

Author: Nicola Venus-Balgobin

I have considered grounds for exemption of information contained in the background paper for the report referred to above and make the following recommendation to the Proper Officer:-

Exemptions applying to the report:

This report will be exempt under paragraph 14 of Schedule 12A - the financial or business affairs of any particular person (including the authority holding that information).

Factors in favour of disclosure:

Openness & transparency in matters concerned with the public

Prejudice which would result if the information were disclosed:

The report includes confidential financial and business information pertaining to the activity of independent care home providers within the Monmouthshire market.

My view on the public interest test is as follows:

Factors in favour of disclosure are outweighed by those against.

Recommended decision on exemption from disclosure:

Maintain exemption from publication in relation to report

Date: 11th July 2018

Signed:

Post:

Contract Manager – Social Care

I accept/I do not accept the recommendation made above

Signed:

Date:

11th July 2018

Post:

Head of Service

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By virtue of paragraph(s) 14 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

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