



CREWE AND NANTWICH BOROUGH COUNCIL

ASSISTANCE FOR PRIVATE SECTOR HOUSING RENEWAL

**A POLICY TO PROVIDE ASSISTANCE TO HOME OWNERS, PRIVATE
SECTOR LANDLORDS AND TENANTS FOR THE REPAIR,
IMPROVEMENT AND ADAPTATION OF PRIVATE SECTOR HOUSING
WITHIN THE BOROUGH OF CREWE AND NANTWICH.**

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INVESTOR IN PEOPLE

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EXECUTIVE SUMMARY

The Regulatory Reform (Housing Assistance) (England and Wales) Order came into force in July 2002 and repealed much of the existing prescriptive legislation governing the provision of housing renewal grants and assistance to homeowners and was replaced with new flexible and wide-ranging powers to provide assistance for housing renewal based on local circumstances and needs. This authority approved, adopted and published its Private Sector Housing Renewal Policy by the implementation date of the 18th July 2003, as required by the aforementioned Order. A revised policy (Renewal Policy 2006) was adopted on the 1st July 2006, following the introduction of financial assistance from the Regional Housing Board. This new revised policy is being introduced, due to changes in the financial allocations.

This latest revised policy ("Renewal Policy 2008") updates the current Council's policy on Private Sector Housing Renewal ("Renewal Policy 2006") and continues to initiate new initiatives for the provision of improving housing standards within the Borough.

The revised policy continues the linkages, which were introduced with the Housing Act 2004, which brought into force the Housing Health and Safety Rating System, new enforcement regime, HMO Licensing and other tools to assist in bringing the housing stock into a decent condition.

This Renewal Policy 2008 replaces existing housing grants policy and complements local, regional and national strategies relating to housing renewal and regeneration. It also links in with one of the key objectives within the authorities Housing Strategy "to ensure housing conditions do not adversely affect people's health." This document follows on from a borough wide client questionnaire, which was carried out in August 2002; the Housing Needs Survey 2005 and the 2005 Private Sector Housing Stock Condition Survey.

The Government's view is that the responsibility for house maintenance should rest with the homeowner and local authorities should offer support and advice to encourage residents to be less dependent on grants. However, there is still a need to offer assistance to some residents and therefore below is a list of the initiatives which are to be included, along with a brief description, within the Renewal Policy.

During 2006/07 and 2007/08, the Government Office for the North West allocated mainstream housing capital funds of £1,487,000 from the Regional Housing Pot, to assist Crewe and Nantwich Borough Council in increasing the number of decent homes and increased numbers of empty properties brought back into use. All the work undertaken has to be linked to priorities within the North West Regional Housing Strategy.

At this time, the Council is aware that the Council will be awarded approximately £495,000 (subject to ministerial approval) from the Regional Housing Board Pot, which is to be used to provide more affordable housing within the Borough. Bids have been made through the Councils Capital Programme for continued funding for the private sector renewal programme. Depending upon finance, it is the Council's proposal to allocate finance to the following initiatives: -

- Disabled Facilities Grant (Current provision)
- Home Improvement Assistance (New initiative)
- Empty Property Repairs Grant (Current provision)
- Landlords Long Term Empty Grant (Amended current provision)
- CANDI - Heating and Insulation initiative (Amended Current provision)
- Common Water Pipe Replacement (Current provision)

The initiatives are: -

Disabled Facilities Grant

Disabled Facilities Grants are a statutory duty on the authority to be provided and are available for the adaptation of a property to meet the recommended health needs of a disabled occupant. The maximum mandatory grant available is £25,000. These grants are means tested, unless the grant is for a disabled child or a disabled young person, in full time education and under the age of 19 years. The Disabled Facilities Grant is currently being reviewed by central government and therefore may be subject to further changes over the next 12 months. Applicants are referred to the authority from Cheshire County Council Community Occupational Therapists. In the case that the adaptation is not possible at the client's current property, a Disabled Relocation Grant is available. **NB – the Disabled Facilities Grant programme is likely to change in April 2008 and when this happens, the policy will be amended.**

Home Improvement Assistance

Home Improvement Assistance is discretionary and can be made available for the repair or adaptation of a dwelling and it is only available to homeowners who over 18 years of age or are for the benefit of a disabled occupant, if the works are to assist with the disabled persons independence and are a member of the household. All Home Improvement Assistance will be based on the Housing Health and Safety Rating System and there must be at least one Category One hazard within the property to qualify. The nature of these hazards would likely lead to further damage to the building fabric or cause injury to the occupants if not dealt with. There will be a means test carried out on all applicants, unless they are in receipt of Income Support / Guaranteed Pension Credit/Housing Benefit/Income Based Job Seekers Allowance or Council Tax Benefit. The maximum assistance available is £25,000. Also as part of the application process a property valuation and a mortgage statement (if necessary) must be obtained. Assistance will be granted if the work cost is more than the affordable loan (calculated

by the means test) and that there is sufficient free equity within the property. It should be noted that a full house survey must take place and all works required must be detailed at that time. The assistance will be subject to a secured registered charge being put on the property. The monies will become repayable when the property is either sold, transferred in name, the property no longer becomes the applicants' main residence or the applicant chooses to repay the money. The Head of Housing has the discretion to approve a higher value and also to defer repayments until a future agreed event in time. Repayment will be based either on the market value of the property or the bank of England Bank Lending Rate, whichever provides the least increase.

Empty Property Repairs Grant

The empty property repairs grant is aimed at bringing empty domestic properties back into use by offering a grant to assist with the cost of carrying out essential structural or improvement works, thus making the property suitable for occupation, providing the property has been empty for at least 6 months, before application. There is a maximum grant of £1,000 or the cost of the works whichever is the lowest. This scheme links in with the Empty Property Strategy of the Council.

Landlord Long Term Empty Grant

This is to assist private sector landlords in renovating dwellings that have been empty for at least 12 months and are classed as having at least one Category One Hazard, under the Housing Health and Safety Rating System. A 5 year tenancy must be offered to the local authority and the rent will be determined by the Rent Officer Service and/or the Local Housing Allowance. The amount of assistance offered will be determined by the market demand for the type of accommodation being provided. The property, when completed, must meet the Decent Homes Standard and must be suitable for letting.

CANDI (Crewe and Nantwich Discount Insulation)

The grant is 50% of the cost of the work or a maximum of £100 per measure being paid to the owner of the property and will assist towards the cost of installing loft insulation, cavity wall insulation and/or solid wall insulation. If the owner is in receipt of an income-related benefit, which would attract grant aid from another source e.g. Warm Front or an energy utility, then they would have to go through those schemes first. The Cheshire Energy Efficiency Advice Centre deal with the residents on the CANDI scheme.

Also within the Borough, we will work with the Cheshire Energy Efficiency Advice Centre, energy utilities and energy contractors to provide extra measures including heating, to residents, who are unable to afford to have the work carried out and are also suffering ill-health due to the property being cold and damp (subject to assessment).

If a resident applies for a Warm Front Grant and has a contribution towards the cost of the work, we would allow a maximum of £300 top-up allowance.

Common Water Supply Pipe Replacement Scheme

The Council in conjunction with United Utilities offer grants towards the replacement of common lead water supply pipes to private sector dwellings. The grant is 50% of the cost or £150 whichever is the least. It is only for the lead water supply pipe and does not include any works to the inside of the property past the first stop tap.

Other Assistance.

Additional funding options to assist with the financing of home improvements or adaptations are proposed for the future, with different loans and equity release schemes being considered.

The full policy has been out for full public consultation and any comments have been taken into account in this final document, as necessary. The Policy will also be included on the Crewe and Nantwich Borough Council Web site: -

www.crewe-nantwich.gov.uk

The following timetable for consultation and implementation has been used:

Consultation	Planned Date	Completed
Consultation with internal and external stakeholders and Council Officers.	7 th January 2008	Yes
Press release/website consultation launched.	7 th January 2008	Yes
End of Consultation period.	1 st February 2008	Yes
Final draft policy produced.	15 th February 2008	Yes
Policy presented to Board.	6 th March 2008	Yes
Policy presented to Council	19 th March 2008	Yes
Policy implemented. (Full copy of policy at Council offices).	From 1 st April 2008	Yes

Post Policy Implementation	
Policy Review	Every 3 years
Performance against targets	Yearly in April
Early review of policy	<ol style="list-style-type: none"> 1. Local Government Review 2. Change in Government Policy 3. New major schemes introduced 4. Change in Council Policy

Any further major revisions to the policy will be subject to a further consultation and publicity process, but minor revisions will be at the discretion of the Head of Housing in consultation with the appropriate Council Board Portfolio Holder.

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1. HOW THE POLICY FITS INTO THE COUNCIL'S AIMS

The Private Sector Renewal Policy links into the Council’s wider aims to increase local pride; support local neighbourhoods; to help achieve good levels of health and to take crime prevention initiatives.

The diagram below shows the strategic links surrounding the Private Sector Renewal Policy: -



The Community Strategy is the blueprint for the future, enhancing the social, economic and environmental well being of all those who live in, work in, or visit Crewe and Nantwich Borough. It will provide a response to local needs, priorities and preferences identified through consultation.

The 2006 – 2016 strategy was launched in November 2005 and a copy can be obtained from the LSP Team on 01270 537233 or 01270 537283.

The Council's **housing objectives** are detailed within the Council's Housing Strategy 2005-2008. Our objectives impact on the Community Strategy in several ways.

Our **Renewal Policy** provides the vehicle for some housing objectives to be delivered as the Council aims to fulfil its responsibilities and make its responses under the Community Health Theme. This includes the work on empty properties and the Home Energy Conservation Act.

One approach of the **Homelessness Strategy** will be to reduce homelessness through utilising longstanding vacant homes; assistance provided through our new Empty Property and Renewal Policies can help achieve this.

The Council has a duty to consider housing conditions in the Borough in order to determine what action to take in the performance of its functions. The **Housing Strategy** aims to ensure that housing conditions do not adversely affect people's health and to identify and address issues raised by private sector stock condition surveys.

The Council is required by the Housing Grants, Construction and Regeneration Act 1996 to provide **Disabled Facilities Grants** to adapt the homes of disabled people to allow them to remain living in their homes and to promote their independence. There is currently a consultation exercise by Central Government looking at amending the scheme, which may result in changes over the next few months.

The Regulatory Reform Order 2002 allows the Council through its Private Sector Housing Renewal Policy to grant discretionary monies in addition to those, which are provided through the council's mandatory duties.

The latest Private House Condition Survey describes in detail the condition of the housing stock in the borough and the problems that exist.

The key points that have come out of the survey are: -

- Overall, the housing stock in the private sector in the borough of Crewe and Nantwich shows a similar picture of poor conditions to England nationally.
- The housing stock is generally old, but not significantly older than the national position.
- The majority of the housing stock is made up of traditional houses with a very small proportion of flats.

- The overall proportion of private sector stock is larger than that at the national level with approximately 88% of all dwellings in the borough being in the private sector. This is likely to have implications for resourcing strategies.
- There are fractionally more empty dwellings in Crewe and Nantwich than at the national level (3.59% compared to 3.0%).
- The proportion of dwellings that were assessed as unfit in Crewe and Nantwich is marginally less than the national average for the private sector (4.38% compared to 4.4%). The average cost of dealing with unfitness is £7,853.88 per property.
- However, the rate of unfitness in the private rented sector was significantly higher than at the national level (16.81% compared to 10.3%).
- The majority of unfitness was found in older terraced dwellings, with the principal causes of unfitness being disrepair, dampness and bathroom facilities.
- Furthermore, approximately one third of private sector dwellings in the borough do not meet the Decent Homes Standard due to disrepair, and failure to provide a reasonable degree of thermal comfort.
- The rate of Decent Homes failure was worse in the private rented sector.
- The PSA7 target for 2010 requires 70% of all vulnerable households to live in Decent Homes. The house condition survey calculated that at present 56.95% of vulnerable households in the private sector live in Decent Homes. Therefore, there is an improvement of 13.05% required to meet the 2010 target (NB PSA7 is being withdrawn from April 2008).
- The recent house condition survey identifies that poor housing conditions are worse in the Crewe sub area and the rural areas. However, properties in serious disrepair are highest in Nantwich. Therefore it appears that the Council's targeting approach to date (not adopting an area based approach for resource targeting) should be continued given that poor housing conditions are spread through all the sub areas, and not concentrated in any single area.
- However, poor housing conditions are found predominantly in the oldest stock which is mostly terraced, and this information could be used to guide resource targeting.
- Furthermore, poorer housing conditions are consistently worse in the private rented sector. Therefore, it may be appropriate for Crewe and

Nantwich Council to take steps to concentrate resources in supporting the private rented sector to improve conditions. This would need to be backed up by proper enforcement procedures for situations where informal mechanisms do not yield results.

- The figure of 13.35% within the eleventh HECA return is a lot lower than the national average and could be increased, if all possible works were taken into account. However, this has doubled in the past three years, which has linked into the LPSA2 programme and also to the counting of all works relating to windows and heating, which was not considered before. It is therefore considered to continue with our own figures at present.
- Promotion of energy efficiency measures especially cavity wall and loft top-ups as been promoted within the area, through the CANDI scheme and we wish this to continue.

With these facts in mind our revised Renewal Policy aims to secure an improvement to the housing conditions of the Borough through the targeting of its limited financial resources to those occupiers who are most likely to suffer ill health as a result of poor housing and at the same time who are least likely to be able to afford essential repairs

As a Council we aim to secure a general improvement to the private housing stock in the following ways:

- Periodically arranging or undertaking an assessment of the condition of private housing in order to monitor changes and inform our Strategy.
- Reducing the level of non-decent houses by enforcement action and if appropriate by providing financial assistance.
- Reducing the level of disrepair in privately rented homes by enforcement action and if appropriate by giving financial assistance where the tenant has repairing responsibility.
- Reducing the level of disrepair in privately owned homes by giving financial assistance.
- Offering advice to individuals who are not eligible for financial assistance.
- Providing practical assistance to the elderly or disabled wishing to repair, adapt or improve their home through the professional services of our home improvement agency (Anchor Staying Put), where there is no financial assistance available from the Council.
- Reducing the number of long-term vacant dwellings in the borough.

- Helping the vulnerable households to undertake minor repairs and home security and safety measures through the services of the Home Safety and Small Repairs Service administered through Anchor Staying Put.
- Providing advice, enforcement action and licensing functions to secure fire safety measures in Houses in Multiple Occupation (HMO's).
- Holding Landlord's Forums to encourage and help landlords in the maintenance of their properties.
- Holding Neighbourhood Owner/Occupier Forums to help householders maintain their properties and to offer advice and information on energy efficiency measures.
- To introduce and develop the service we can offer in helping householders through the provision of loans and other financial mechanisms.
- Endeavouring to introduce and develop the service, which we can offer in helping disabled households to relocate to more suitable properties for their needs.
- Providing assistance for those wishing to replace common or lead water supply pipes, in conjunction with United Utilities.
- Consulting with other bodies to extend the assistance we can offer to householders.
- Regulation and licensing of residential caravan and park home sites.
- To hold events within the Borough which deal with energy efficiency and climate change, including Renewable Energy.
- To continue working with the Cheshire Energy Efficiency Advice Centre on the promotion of energy efficiency measures and grants.

2. OUR RESOURCES

2.1 Capital Resources

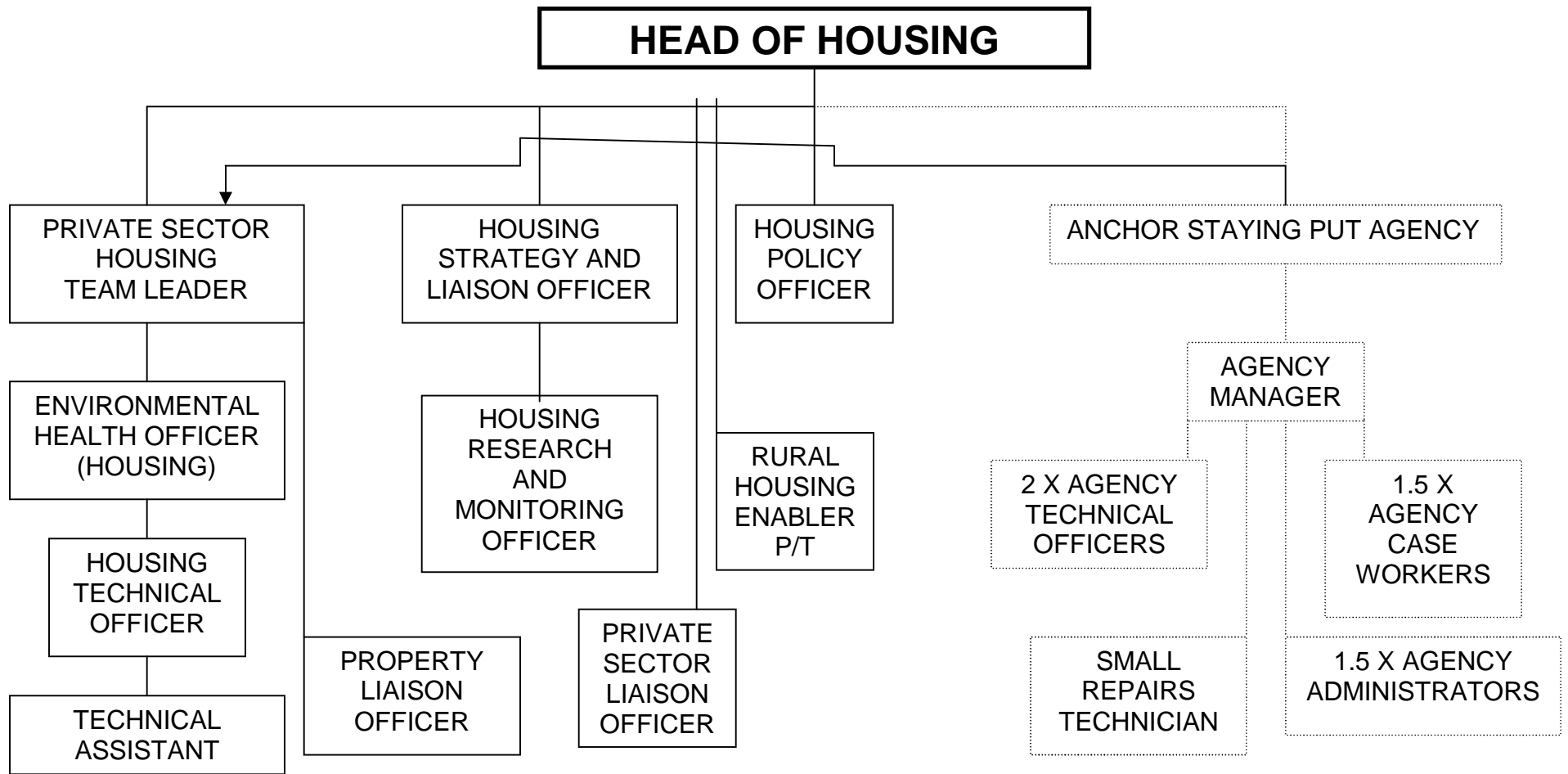
In 2008/09 the Council intends to provide the following financial assistance (subject to budget approval) to the public through the following grants: -

Home Improvement Assistance	£310,000.00
Empty Property Repairs Grant	£ 40,000.00
Landlords Long Term Empty Grant	£100,000.00
Disabled Facilities Grant	£350,000.00
Crewe and Nantwich Discount Insulation	£ 50,000.00
Lead Supply Pipe Replacement Scheme	<u>£ 1,050.00</u>
	Total <u>£ 851,050.00</u>

The funding for Disabled Facilities Grants is ring fenced and can be only used for that purpose.

2.2 Human Resources

Delivery of the various forms of assistance will be through the following staff provisions (see structure on following page).



3. HOW AND WHEN WE WILL ASSIST

3.1 Types of Assistance

The legislation which currently dictates the private sector renewal policy is the "Regulatory Reform Order 2002", apart from the work on Disabled Facilities Grants, which is still covered by the "Housing Grants, Construction and Regeneration Act 1996".

The methods of determining assistance changed on the 6th April 2006, with the introduction of the Housing Health and Safety Rating System, within the Housing Act 2004. It is this Council's intention to follow these provisions within the context of this Renewal Policy 2008; however there are some local additional alterations. The Disabled Facilities Grants still remain with the previous grant regime, but are subject to change, following government consultation.

By retaining the existing eligibility criteria, resources will be targeted at the most vulnerable households within the Borough, although some of the initiatives are available to any households (see individual fact sheets for information).

The only grants available to landlords will be the Empty Property Repairs Grant, Landlords Long Term Empty Property Assistance and the Energy Efficiency Grant, as the Council takes the view that repairs and improvements in privately rented properties should be paid for by the landlord, as they are engaged in a commercial venture that should take into account the future maintenance requirements of their property.

Crewe and Nantwich Borough Council will offer the following assistance: -

- Home Improvement Assistance
- Empty Property Repairs Grant
- Landlords Long Term Empty Grant
- Disabled Facilities Grant and Disability Relocation Grant
- Crewe & Nantwich Discount Insulation
- Common Water Pipe Replacement

All the above grants and assistance are detailed below in greater detail and there are leaflets for some of the assistances available at the: -

Crewe & Nantwich Borough Council
Municipal Buildings,
Earle Street,
Crewe,
Cheshire,
CW1 2BJ

Or on the website: - www.crewe-nantwich.gov.uk

Disabled Facilities Grants

Mandatory Disabled Facilities Grants are available for the adaptation of a property to meet the recommended health needs of a disabled occupant. These works are recommended by Cheshire County Council Social Services. These grants are currently under review by Central Government and is likely to change in April 2008. The policy will be revised, once confirmed.

Eligibility:

- Disabled householder or tenant, over 18 years old.
- Disabled applicant (not householder), over 18 years old.
- Household with a disabled child or young person under 19 years old, who is in higher education.
- Applicants are subject to assessment and prioritisation by Social Services who will determine the need and level of urgency for assistance.
- Applicants classed as priority 1 or 2 by Social Services will only be considered for assistance. See priority category descriptions appendix 3.

Amounts:

- All applicants except those receiving Income Support or Pension Credit Guarantee or if the adaptation is for a child or young person under the age of 19 years in higher education, will be subject to a means test based on the current statutory test of resources.
- Maximum disabled facilities grant for mandatory works will not exceed £25,000.
- Only in exceptional circumstances, with Head of Housing approval, will a discretionary disabled facilities grant be approved.

Fees and Charges:

- Applicants are recommended to use the services of the Council's Home Improvement Agency, Anchor Staying Put.
- Anchor Staying Put's responsibilities, on behalf of the client, include production of a specification, sending out tenders for the work, assisting the client in obtaining finance, completing and submitting the grant application, ordering the work, site supervision and contract administration.
- If the work is eligible for grant aid and processed through Anchor Staying Put, the client will pay a fee equivalent to 7½% of the approved contractor's tender, which is also eligible for grant assistance.
- 15% is payable by the client on the cost of any work which is outside the grant specification, which is not eligible for grant assistance.
- Fees are charged on the lowest acceptable tender price before VAT and excluding ancillary charges.

Application process:

- An adaptation referral form is sent to Anchor Staying Put from Social Services (Central Locality Occupational Therapy Team), detailing the needs of the client and the assessed priority.
- The Agency Case Worker will visit the applicant to explain the grant process and also obtain relevant information to enable an informal financial assessment of the applicants resources to be carried out (passed to and calculated by the Private Sector Housing Team), if necessary. The client is informed of the assessment at this time.
- Once the informal financial assessment is carried out and it has been assessed as a Priority 1 by Social Services, the file is passed back to an Agency Technical Officer to arrange a joint site visit with Social Services and a member of the Housing Team in order to determine the extent of the eligible work to produce a specification.
- If it is assessed as being a Priority 2, then the file is kept in the Private Sector Housing team and will be released to Anchor when finances are available.
- Anchor Staying Put will then issue the specification to at least two contractors for a fixed price quotation and give a copy to the client.
- The caseworker will visit to discuss with client and assist with paperwork
- When a completed application is returned, the Council has a maximum of 6 months from that date to approve or dismiss the application.
- During this period a member of the Housing Team will carry out the following: -
 1. Check the estimates against the schedule of works, to ensure all items have been included and that they are fair and reasonable.
 2. Ensure a complete and correct application has been submitted.
 3. Carry out builder, planning and highway checks (where appropriate)
- A member of the Housing Team will issue the approval to Anchor Staying Put, who will arrange for the work to be carried out.
- During the works, the Agency Technical Officer will visit the property to check on progress, standard of workmanship and to assist in the event of technical difficulties or problems. They will also advise the applicant when to apply for contractor payments.
- On completion a member of the Housing Team will visit the property to check the work has been carried out to a satisfactory standard and arrange for final payments to be made to the contractor and to Anchor Staying Put.

General Provisions:

- The Council reserve the right to amend their policy at any given time, including when required to comply with new statutory legislation, including means tested benefits.
- Any necessary property adaptations to accommodate essential facilities will be provided within the existing floor area of the property where possible.
- Applicants who are successful in their application for assistance will be

required to maintain the adaptation and shall not be eligible to receive future assistance for same adaptation, where a lack of maintenance has caused the fault.

- The applicant must sign a certificate stating that the disabled person will occupy the property as their only or main residence for a period of five years after the works are complete (or such shorter period as the persons health or other relevant circumstances permit).

Disability Relocation Grant

Assisted relocation may be considered as an alternative to disabled facilities grant funding. Where the Authority, considering the Central Locality Occupational Therapy Team's recommendation and after assessing the practicality and suitability of the proposed adaptations, are of the opinion that it is a more satisfactory course of action for the applicant to purchase a more suitable property, they will offer a Disability Relocation Grant to assist them with the acquisition of other suitable accommodation. **Please note - This grant may be withdrawn, when the changes to the Disabled Facilities Grant are made.**

Eligibility:

- Disabled householder or tenant, over 18 years old.
- Disabled applicant (not householder), over 18 years old.
- Household with a disabled child or young person under 19 years old in higher education.
- Applicants are subject to assessment and prioritisation by Social Services who will determine the need and level of urgency for assistance.
- Applicants classed, as priority 1 or 2, by Social Services will only be considered for assistance. See priority category descriptions appendix 3.
- The Private Sector Housing Team must be satisfied with the condition and suitability of the proposed new accommodation.

Amounts:

- There will be no means testing for this grant.
- Maximum grant for the Disability Relocation Grant is £3000 towards reasonable costs of acquiring other suitable accommodation.
- A Disabled Facilities Grant will also be considered on the new property, if required.

Fees and Charges:

- There are no fees for this grant.

Application process:

- An adaptation referral form is sent to Anchor Staying Put from Social Services (Central Locality Occupational Therapy Team), detailing the needs of the client and the assessed priority.
- The Agency Case Worker will visit the applicant to explain the grant process and also obtain relevant information to enable an informal financial assessment of the applicants resources to be carried out (passed to and calculated by the Private Sector Housing Team), if necessary. The client is informed of the assessment at this time.
- Once the informal financial assessment is carried out, the file is passed to on an Agency Technical Officer to arrange a joint site visit with Social Services and a member of the Housing Team in order to produce a specification.
- At this stage the viability of the adaptation will be considered and Social Services, Anchor Staying Put and a member of the Housing Team will assess the suitability of the premises for the adaptations required. If it is apparent that relocation is the only reasonable option or presents a more satisfactory solution, it will be discussed with the client.
- If agreeable to all parties the client will then have the opportunity to find an alternative property. The Housing Team would like to be involved in any inspection of potential properties and advice could be sought from the Community Occupational Therapist and Anchor Staying Put.
- The client will complete an application form and this would be sent to the Housing Team.
- The Housing Team will then consider the application for approval.
- When a suitable property is found and the purchase has been completed payment of the relocation grant will be made to the client.
- If the new property requires adaptation, this can be made by following the process for a Disabled Facilities Grant or Home Improvement Assistance (see separate fact sheets for procedures).

General Provisions:

- The Council reserve the right to amend their policy at any given time, including when required to comply with new statutory legislation, including means tested benefits.
- The applicant must sign a certificate stating that the disabled person will occupy the property as their only or main residence for a period of five years after the works are complete (or such shorter period as the persons health or other relevant circumstances permit). Breach of this condition will require the relocation grant to be paid back in full.
- Exemptions to pay back the grant, when in breach of grant conditions, shall be at the discretion of the Head of Housing.

Home Improvement Assistance

Home Improvement Assistance is discretionary and can be made available for the repair or adaptation of a dwelling. It is available to owner occupiers

only. All Home Improvement Assistance will be based on the Housing Health and Safety Rating System and there must be at least one Category One hazard within the property to qualify. The nature of these hazards would likely lead to further damage to the building fabric or cause injury to the occupants if not dealt with. However, the use of this assistance for emergency repairs is unlikely, as the assistance looks at the whole house, not just an individual item, an application form has to be completed, various documents have to be provided and quotes obtained, to enable the assistance to be given.

Important Note: - "Check that this mortgage will meet your needs, if you want to move or sell your home or you want your family to inherit it. If you are in any doubt, seek independent advice" (Paragraph 7(2C) Consumer Credit (Advertisements) Regulations 2004).

Eligibility:

- All applicants must be 18 years old or over (60+ to use Anchor Staying Put).
- The applicant must be a householder
- Disabled applicants over 18 years of age can apply, if the works are for adapting their property to meet their disability needs and the works would not be considered under a disabled facilities grant. The property must also meet the other criteria for the assistance, as detailed below
- Applicants must be claiming Income Support, Pension Credit Guarantee, Housing Benefit, Income Based Job Seekers Allowance or Council Tax Benefit or be subject to a means test to determine their affordable loan.
- All cases will be dealt with on a first come, first served and therefore particular attention must be made to the timescales mentioned below.
- Information including a property valuation and a mortgage statement must be provided.
- On a full inspection of the property, all Category 1 Hazards and/or substantial failures of the Decent Homes Standard must be dealt with.
- If no Category 1 Hazards are found then an application will not be considered (NB this condition has to be adhered to)
- The applicant will be means tested and if the affordable loan is more than the work cost, then an application will not be considered.
- For a disabled adaptation to be considered for Home Improvement Assistance a referral must be received from the Community Occupational Therapist and a whole house inspection will also be undertaken.
- Applications for a House in Multiple Occupation will not be considered.

Amounts:

- The maximum discretionary Home Improvement Assistance is £25,000.00.
- This assistance is repayable, if the property is transferred, sold or it no

longer becomes the main residence of the applicant. The applicant can choose to repay the money at anytime.

Fees and Charges:

- If the applicant chooses to use Anchor Staying Put to carry out the administration of the assistance process, then there will be a charge of 15% on the lowest acceptable approved tender price before VAT and excluding ancillary costs.
- This charge is eligible for grant consideration.
- The Council will not charge for the administration of the grant, apart from where it has to pay for services, e.g. Land Registry Searches, etc.
- The cost of providing a mortgage statement and obtaining a property valuation can be included within the loan if necessary.
- No payment of fees related to the obtaining of information will be paid unless the assistance is approved and the work is completed.

Application process:

- Following an enquiry for assistance, the case will be assessed using the criteria for the assistance by a member of the Housing Team or Anchor Staying Put visiting the property and assessing the property, using the Housing Health and Safety Rating System or a substantial failure of the Decent Homes Standard.
- At this time, an informal means test will be carried out, based on information obtained from the applicant.
- If a Category 1 Hazard is present, the officer will then determine the best course of action and if assistance is considered the most suitable, then a schedule of works will be prepared. This will include all the works required within the property to bring it up to the Decent Homes Standard.
- If there are no Category 1 hazards or the affordable loan calculated by the means test is greater than the potential works costs, then no application will be allowed. NB the potential works costs will be calculated by the Housing Team or Anchor Staying Put, using their experience of similar works of that type.
- The schedule of works along with the application form and necessary notices will then be forwarded on to the applicant, who should then obtain at least two fixed price quotations from local building contractors. If Anchor Staying Put is used, then they will carry out the administration function for the client.
- The quotations, the application form and all necessary certificates should be returned to the Council within 3 months, otherwise the application may be cancelled. If you are having difficulties in any areas, please contact the Council as soon as possible within the 3 month period.
- When a completed application is returned, the Council has a maximum of 6 months from that date to approve or dismiss the application.
- During this period the Council will carry out the following: -
 1. Check the estimates against the schedule of works, to ensure all

- items have been included and that they are fair and reasonable.
2. Ensure a complete and correct application has been submitted.
 3. Carry out builder, planning and highway checks (where appropriate).
 4. Check certificates and ownership information.
 5. Carrying out a formal means test.
- The Council will then formally inform the applicant if their application for assistance has been successful or otherwise. If successful, will issue the approval to the applicant (or Anchor Staying Put), who should then arrange for the work to be carried out.
 - During the works and when payment is requested, a member of the Housing Team will visit the property to check on progress, standard of workmanship and to assist in the event of technical difficulties or problems. They will also advise the applicant when to apply for contractor payments.
 - On completion, a member of the Housing Team makes a final inspection and the final payment made to all parties.
 - **Please note** – for this initiative the Council has to pay the applicant for the work and it's the applicants' responsibility to pay the contractor. We can forward the cheque to the applicant or the agent (e.g. Anchor Staying Put, applicants architect, etc) made payable to the contractor.

General Provisions:

- The Head of Housing shall have the following discretions, in certain circumstances: -
 - To promote applications.
 - To increase the amount of assistance given above the £25,000 limit
 - To defer repayment until a future agreed event
- The Council reserve the right to amend their policy at any given time, including when required to comply with new statutory legislation and changes in the means testing legislation.
- The means testing will be carried out, as laid down under section 30 of the Housing Grants, Construction and Regeneration Act 1996, the Housing Renovation, etc (Reduction of Grant) Regulations 1994 and any subsequent amendments to either.
- Any necessary property adaptations to accommodate essential facilities will be provided within the existing floor area of the property where possible.
- Applicants who are successful in their application for assistance will be required to maintain the improvements and shall not be eligible to receive future assistance for 10 years after the completion of the initial project. Proof of buildings insurance will be required on an annual basis.
- The applicant must sign a certificate stating that they will occupy the property as their only or main residence after the works are complete. Breach of this condition will require the grant to be paid back in full using the calculation below.
- The assistance is registered as a secured land charge on the property

and is repaid to the Council when there is a change in ownership, the residence no longer becomes the main and only residence of the applicant or sooner if the applicant prefers. The amount to be paid back is calculated in one of two ways: -

- Either using the assistance as a proportion of the market value of the house at the time of the work and paid back at the same proportion of the market value of the house when repaid; **OR**
- The value of the assistance plus compound interest, based on the Bank of England base rate from the time of the work until repayment.

Please note that whichever calculation gives the lowest amount repayable this will be the calculation used.

- Interest will be charged on a daily basis, from the practical completion date specified on the completion certificate.
- Exemptions to pay back the assistance, when in breach of grant conditions, shall be at the discretion of the Head of Housing.

Empty Property Repairs Grant

The empty property repairs grant is aimed at bringing empty domestic properties back into use by offering a grant to assist with the cost of carrying out essential structural or improvement works providing the property has been empty for at least 6 months. There is a maximum grant of £1,000 or the cost of the works whichever is the lowest.

Eligibility:

- Anybody who owns an empty property can apply for the grant.
- It is not means tested.
- The property has to have been empty for at least 6 months, but not necessarily in the same ownership.
- The work required must be either structural or essential repair.

Amounts:

- The maximum discretionary Empty Property Repairs Grant will be £1,000.00 or the cost of the works whichever is the least.

Fees and Charges:

- There are no fees or charges for this grant.

Application process:

- Following an enquiry for assistance, a member of the Housing Team will visit the property to determine the eligibility of the works proposed.
- The applicant will then be sent a letter detailing the eligible works, an application form, equal opportunities form and an ownership certificate, which are to be returned to a member of the Housing Team, within 3

months. If the application is going to take longer than 3 months, then the applicant needs to inform the Housing Team, otherwise the application will be cancelled.

- A member of the Housing Team will then check the application is complete and confirm the length of time property has been empty.
- On completion of the necessary application checks, the applicant is informed of the Council's decision.
- If the application is approved, the work will need to be carried out within 12 months from the approval date; otherwise the grant may be cancelled. An extension of time may be granted, if a letter is received from the client before the 12 month period.
- When works are complete and the property is re-occupied, the applicant will inform a member of the Housing Team, who will then arrange a viewing and obtain confirmation of occupancy and works carried out (via receipted invoices) and overall suitability of the property for occupation.
- A member of the Housing Team will then arrange payment of the approved grant or a different figure, if any alterations have been made.

General Provisions:

- The Head of Housing shall have the discretion to promote applications in urgent cases.
- The property has to have been empty for 6 months before any application is possible.
- The Council reserve the right to amend their policy at any given time, including when required to comply with new statutory legislation, including means tested benefits.
- Applicants who are successful in their application for assistance will be required to maintain the improvements and shall not be eligible to receive future renewal assistance for same improvements.
- No further Empty Property Repairs Grant will be approved on an individual property within 5 years of the completion date.
- This grant cannot be combined with any other assistance or grant offered.
- This grant links into the Empty Properties Strategy and may be amended if any new schemes are determined from that strategy.

Landlords Long Term Empty Grant

Landlords Long Term Empty Grant are discretionary and are for essential structural or improvement works for empty properties providing that they have been empty for at least 12 months. There is a maximum grant of 50% of the cost of the works, see banding table below. This grant links into the Council's Rent Deposit Scheme. The Council is looking at introducing a Bond Scheme in place of the Rent Deposit and this initiative will link into that scheme as well.

Eligibility:

- Any private sector landlord who owns or wants to buy an empty property can apply for the grant.
- No grant will be considered for the conversion of a property into a dwelling.
- The property must meet the Decent Homes Standard on completion and must be suitable for letting.
- The rent chargeable on the property must be fair and reasonable and must be agreed with the Council Tax Department and be linked to the Local Housing Allowance.
- It is not means tested.
- No enquiry for this initiative will be considered until the property has to have been empty for at least 12 months, but not necessarily in the same ownership.
- Property has to be offered to tenants off the council's housing waiting list for a period of 5 years, following completion of the improvement works; otherwise it will be subject to repayment (see below).
- The property is to be allocated to a household, determined by the Council or Wulvern Housing.

Amounts:

- The maximum discretionary Landlords Long Term Empty Grant: -
 - 1 bed – 25% of work cost to a maximum of £5,000 grant.
 - 2 bed – 50% of work cost to a maximum of £10,000 grant.
 - 3 bed – 50% of work cost to a maximum of £10,000 grant.
 - 4 bed – 25% of work cost to a maximum of £5,000 grant
- The percentages will change on an annual basis, to suit the housing need requirements and will be advertised in the local press.
- The grant is subject to a reducing repayment of 1/5th per year, therefore after 5 years there will be no repayment of grant due, if the property falls out of the scheme.

Fees and Charges:

- There are no fees or charges for this grant.

Application process:

- Following an enquiry for assistance, a member of the Housing Team will visit the property to determine the eligibility of the works proposed.
- The applicant will then be sent a letter, a specification detailing the eligible works, an application form, equality monitoring form and an ownership certificate, which are to be returned to a member of the Housing Team, within 3 months. NB if not returned within 3 months the application might be cancelled.
- A member of the Housing Team will then check the application, the quotations for the work and confirm the length of time property has been empty.

- If a complete application is received and approved, an approval letter is sent out to the applicant, along with details of notifying the Council on start of works and completion.
- At least one month before work is to be completed; the applicant is to inform the Council of the anticipated completion date, so that a suitable occupier may be sought for the property.
- When works are complete, the applicant will inform a member of the Housing Team, who will then arrange a viewing and confirm satisfaction with the works carried out.
- A member of the Housing Team will then arrange payment of the approved grant or a different figure, if any alterations have been made.
- The Council will also arrange for a tenant to be allocated the property.

General Provisions:

- The Head of Housing shall have the discretion to promote applications in urgent cases.
- The Council reserve the right to amend their policy at any given time, including when required to comply with new statutory legislation, including means tested benefits.
- Applicants who are successful in their application for assistance to a property will be required to maintain the improvements and shall not be eligible to receive future renewal assistance for the property.
- If 3 months after completion, the Council has not nominated a tenant to the property, the owner may allocate the property to anybody who approaches him or her.
- The Council still retains the option to allocate a tenant should the property become vacant again within the 5 year period.
- The Council will not be liable for any fees whilst the property is void, whether at the initial or any subsequent letting period.

Lead Water Supply Pipe Replacement Scheme

The Council in conjunction with United Utilities offer a grant towards the replacement of the lead water supply pipes to private sector dwellings.

Eligibility:

- All homes within the private sector, where the incoming water supply pipe is lead.

Amounts:

- The maximum grant will not exceed £150.00 or 50% of the cost which ever is the least.

Fees and Charges:
<ul style="list-style-type: none"> • There are no fees or charges related to this grant.
Application process:
<ul style="list-style-type: none"> • Following an enquiry for assistance, the application form is sent out to the occupier for completion. • On return of the application form together with the United Utilities letter agreeing to connect the new supply pipe and the quote for the work, a member of the Housing Team will determine the amount of grant to be offered and send out an approval letter. • When the job is completed, the applicant will send in a receipted account and a member of the Housing Team will arrange payment of the grant.
General Provisions:
<ul style="list-style-type: none"> • The Council reserve the right to amend their policy at any given time. • Assistance only awarded where the United Utilities is willing to provide a new connection pipe. • The grant will not pay for the replacement of any lead piping that is past the first stopcock in the property.

Crewe and Nantwich Discount Insulation (CANDI)

The Council will offer a non-means tested grant for assistance towards energy efficiency works to owner-occupied properties. This will cover works for cavity wall, loft and solid wall insulation.

Eligibility:
<ul style="list-style-type: none"> • All owner occupiers within the private housing sector where their homes are in need of some works relating to energy efficiency. • If the household receives a qualifying benefit for the Warm Front Grant, any Utility Scheme or any other energy efficiency free initiative, then this option must be taken first. • The works that are eligible are: - (a) Cavity Wall Insulation, (b) Loft Insulation, (c) Solid Wall Insulation and (d) Warm Front Top-up.
Amounts:
<ul style="list-style-type: none"> • The maximum grant per measure will be £100.00 or the cost of the works which ever is the least, apart from the Warm Front Top-up, where the maximum grant will be £300.00 or the cost of the works which ever is the least.
Fees and Charges:
<ul style="list-style-type: none"> • There are no fees or charges related to this grant.

Application process:

- The application process for this grant is dealt with by the Cheshire Energy Efficiency Advice Centre (CHEEAC), who arrange for applications and payments.
- The Council pays CHEEAC on completion of work.

General Provisions:

- The Council reserve the right to amend their policy at any given time.
- Only one grant per property will be given.
- Assistance only awarded where the works are related to energy efficiency measures.
- The solid wall insulation method must be confirmed to and agreed by the Council, before work is carried out.

3.1.1 Other Energy Efficiency initiatives

The Council will also fund EPplus (charity who run the Cheshire Energy Efficiency Advice Centre) to carry out the following initiative dealing with energy efficiency within the Borough.

- **Energy Efficiency - CANDI heating initiatives within the Borough** - We will work with the Cheshire Energy Efficiency Advice Centre, energy utilities and energy contractors to provide extra measures including heating, to residents, who are unable to afford to have the work carried out and are also suffering ill-health due to the property being cold and damp. The heating improvement eligibility will be determined by the completion of a simple health monitoring questionnaire related to health problems associated or exacerbated by cold and damp homes, along with a simple financial assessment. Insulation measures will always be done first, followed by heating improvements. The application process for this initiative will follow the same process as the CANDI scheme above.

Enquiries regarding any of the initiatives above can be made by contacting staff at the following locations: -

Crewe and Nantwich Borough Council
Municipal Buildings
Earle St
Crewe
Cheshire
CW1 2BJ

Telephone numbers 01270 537532/537417

Or by contacting Anchor Staying Put on 01270 537422
Or by contacting the Cheshire Energy Efficiency Advice Centre (for the
CANDI Scheme) on 0800 512012

3.2 Conditions attached to the Private Sector Renewal Grants and/or Assurances

All the initiatives detailed within this strategy have conditions attached to them related to the occupation of the property, apart from the Disability Relocation Grant, the Empty Property Repairs Grant and CANDI.

Within the fact sheets above please make note of all the conditions attached to the individual grant or assistance, as it is these that the Council will enforce, as per the procedure below.

3.2.1 How we Enforce Conditions

When the assistance and/or grant is paid, an entry is made on either the local or national Land Charges Register, which ever is appropriate. The Council will therefore be made aware of any proposed sale or change in ownership, as this charge will be revealed at that time. If the sale takes place within the "payback" timescale related to the assistance, then the grant or assistance will need to be paid back to the Council, in all or part, as applicable.

3.2.2 When We Waive Conditions

If you wish the Council to waive the repayment of any grant or assistance, the applicant (or applicant's representative) must write into the Council, explaining why the repayment condition should be waived. The Head of Housing and/or the relevant Portfolio Holder will then decide if the condition can be waived and will inform the applicant (or representative) as necessary.

3.3 The future

As it is the owners' responsibility to maintain their home, the Council has introduced loans into this Renewal Policy, but it will continue to investigate the provision of other loans, including equity release schemes as an additional form of funding housing repair. If any other forms of assistance are determined, these may be introduced within the lifetime of this policy, without the need for re-consultation.

4. COMPLAINTS

All applications for assistance will be considered, however the Council may legitimately turn down an application for assistance that falls initially outside the terms of this policy.

When this happens, the Council (or Anchor Staying Put) will inform the applicant of the reasons for the application being turned down for assistance.

The Council may decide to take the application to the Head of Housing or the Portfolio Holder for a decision, if it is felt that the existing policy needs amending, to take account of a specific application.

If the applicant wishes to appeal against the decision, then there is a formal complaints and appeals procedure, in place at the Council, through which any complaint may be put.

Complaints may be made initially to the Private Sector Housing Team Leader by telephone (01270) 537539, fax (01270) 537758 and by e-mail alastair.bain@crewe-nantwich.gov.uk.

The above scheme can be used for any other complaints regarding the work of the private sector housing team. However, if the work was carried out through Anchor Staying Put, please put your complaint through the Agency Manager initially.

5. ENFORCEMENT AS A TOOL IN RENEWAL

We aim to ensure that all enforcement action is undertaken in a consistent, equitable and practical manner in accordance with the Cabinet Office Enforcement Concordat. The principles of the Concordat have been built upon, adapted and agreed by this Council to form the *Crewe and Nantwich Common Enforcement Policy* which sets out what business and individuals in this Borough can expect from us in our enforcement role (see appendix 1). The Private Sector Housing Enforcement Policy (see appendix 2) is also used in conjunction with the Enforcement Concordat.

5.1 In Houses in Multiple Occupation

The Housing Act 2004 introduces the Licensing Scheme for Houses in Multiple Occupation (subject to definition) and this scheme is allowed for within this enforcement policy. The Licensing Scheme is administered by Chester City Council on our behalf.

The Council has also developed a Landlord/Property Accreditation Scheme as a means of driving up standards and good practice and increasing the links between Council, the university and private sector landlords.

Currently officers will secure an improvement to the living standards to be found in Houses in Multiple Occupation by enforcing legislation in the following areas: -

- Fire Safety
- Compliance with the Housing Health and Safety Rating System
- Good Management
- Adequate Space, Amenities and Facilities

But to meet with the licensing requirement, there will be further information requested

5.2 In Privately Rented Houses

The majority of the service requests involve complaints from tenants of rented properties regarding disrepair, where the landlord has been approached, but nothing has been done or else it is taking a long time.

Following a full inspection of the property and the identification of any hazards, officers will secure an improvement to the living standards in these homes by enforcing legislation in the following areas: -

- Compliance with the Housing Health and Safety Rating System

5.3 In Residential Caravan Sites

The Private Sector Housing Section has responsibilities, which include: -

- The issuing of Site Licences

- Liaison with site owners and tenants regarding contravention of site licence conditions

5.4 In Empty Properties

The Private Sector Housing Team will enforce the powers given to the local housing authority under the Housing Act 2004 with regard to the Empty Dwelling Management Orders. This may result in the need for a separate policy being written and a service level agreement with a registered social landlord, to assist in managing these properties. It should be noted that these are only given with the permission of the Residential Property Tribunal. It is likely that these powers will be considered in the light of local circumstances. As part of the Empty Property Strategy, we have looked at the use of the Enforced Sale Procedure or Compulsory Purchase Orders and they will be considered and used as necessary.

5.5 Enforcement Procedures

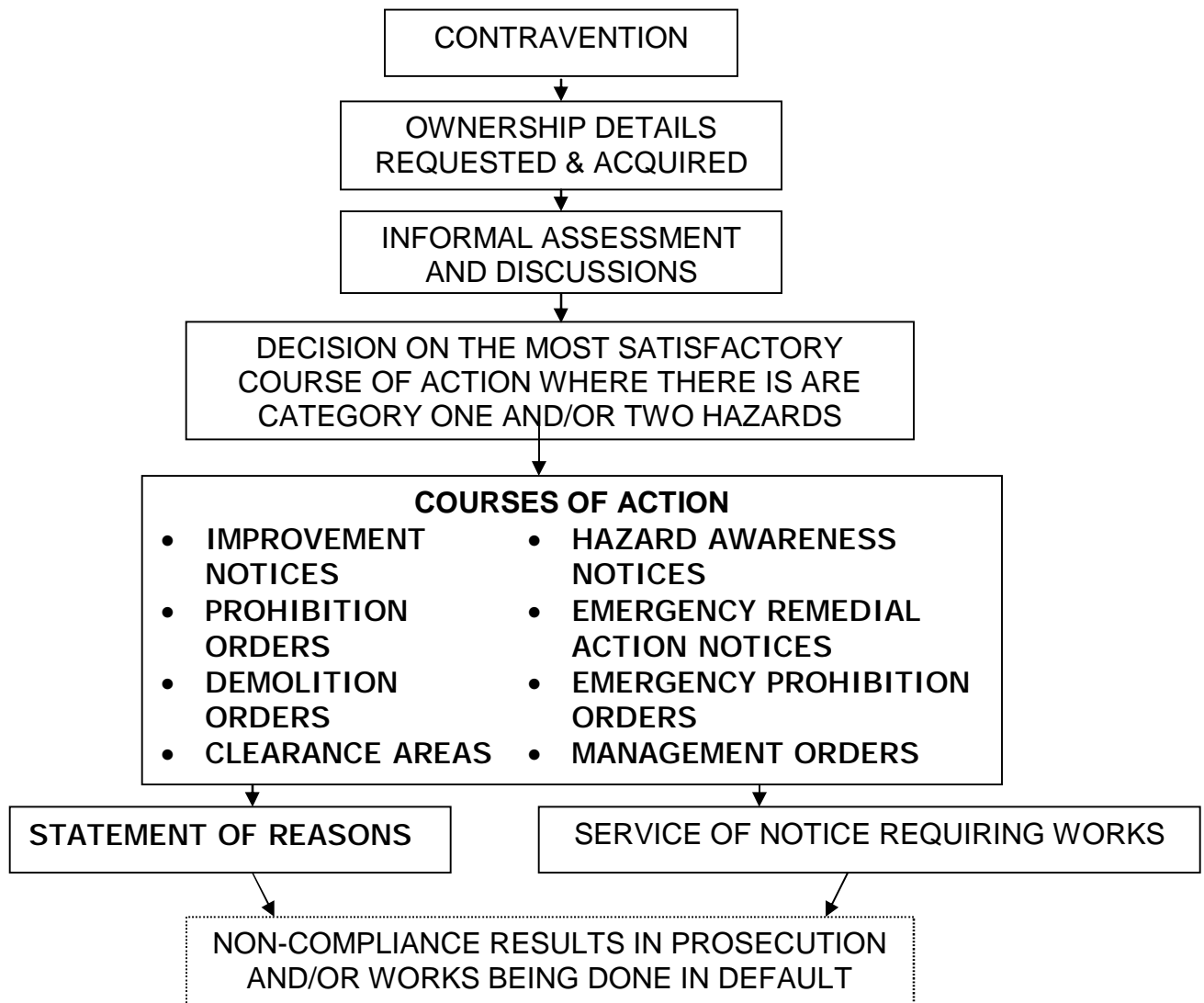
Although officers in the Private Sector Housing Section are empowered to take formal action in respect of private sector housing in disrepair, most of the time assistance to tenant and landlords will be informal, giving advice or guidance over the telephone or on a visit. However, in some cases the officer will secure an improvement to the property by serving legal notice, carrying out work in default or by prosecution. The enforcement procedure will vary depending on the exact nature of the contravention, but with variations, they usually take the route, as detailed on the following page.

5.5.1 Most Satisfactory Course of Action

In deciding the most satisfactory course of action for a dwelling categorised as having Category 1 and/or Category 2 hazards, the Officer will have regard to guidance issued by the Secretary of State. The guidance currently in use is that given under Part 1 of the Housing Act 2004. There will be several considerations including: -

- Factors in the Private Sector Housing Renewal Policy.
- The views and circumstances of those directly affected.
- Ensuring that social exclusion is not made.
- The effect of the various options upon the area in which the house is situated.
- The type and cost of work needed to remedy the hazards.
- The condition of neighbouring properties.
- Life expectancy of the property in repaired state.
- Any proposals for the future of the area.

Whatever the circumstances the Council will provide reasons for its decision, through a Statement of Reasons and demonstrate that it has had regard to current Government guidance.



5.5.2 Courses of Action

Where there are category 1 and/or category 2 hazards, the officer will have the option to use one of the following statutory notices, in order to remedy the situation: -

- An Improvement Notice.
- A Prohibition Order.
- A Hazard Awareness Notice.
- Emergency Remedial Action.
- Emergency Prohibition Order.
- Demolition Order.
- Clearance Area.

If there is an imminent risk to the health or safety of the occupants the Council will not serve a hazard awareness notice.

Where necessary, one of the above statutory notices will be served, unless the work has been carried out, on an informal basis.

The Council is able to suspend the serving of one of the above notices (apart from the emergency remedial action or prohibition orders), if it is agreed between parties that the work will be carried out after something happens e.g. the current occupier leaves the property.

The Council are empowered to make a reasonable charge to recover expenses incurred in serving an *improvement notice or prohibition order* or making a *clearance area or demolition order*. Under current law this cannot exceed £300.

All such notices or orders become a local land charge whilst in force.

6. HOW WILL WE MEASURE OUR PROGRESS?

6.1 What Are Our Targets?

The Government sets statutory Best Value Performance Indicators (BVPI) in relation to a number of local authority functions. In addition, the Council has adopted a number of local performance indicators and the ones relating the private sector housing are listed in the table below. These Indicators mean that we can monitor our progress and gauge the quality of our service that we offer to the residents of the borough.

We, as well as Anchor Staying Put carry out customer satisfaction surveys for all clients that have work carried out. These surveys will continue and the results will be used to evaluate the views of the users regarding the services offered.

Where poor or negative responses are returned a follow up procedure is initiated in order to investigate the customer's problem and to inform the possible improvement of the procedures in place.

BVPI REF	Performance Indicator	2006/07 Actual	2007/08 Target	2008/09 Target*
64 (National)	Number of private sector vacant dwellings returned to occupation or demolished	59	65	70
LHH-200 (Local)	Unfit private sector dwellings made fit or demolished	6.82%	6.00%	6.00%
LEE-500 (Local)	Percentage of responses to Environmental Health complaints and requests for services provided within target times	97%	99%	99%
LHH-201 (Local)	The number of Private Sector Rented properties inspected and improved	38 Inspected 32 Improved	45 Inspected 35 Improved	45 Inspected 35 Improved

*In 2008/09 all BVPI's will be replaced with National Indicators. We will continue to collect information on empty properties, by new Service Indicators.

6.2 How Will We Achieve Our Targets?

The Private Sector Housing Team review monthly the work carried out in comparison with the targets above. We also look at the expenditure made on the renewal assistance and at the budget available. By doing this, we endeavour to achieve the targets detailed above within the budget available.

We are working with the other 5 district councils within Cheshire on a Local Public Service Agreement, which runs between April 2005 – March 2008, looking at stretched targets on decent and empty properties. The group met their target by the end of September 2006, but individual authorities still need to meet their individual targets. As the target has been met, there will be performance reward grant awarded to use on housing initiatives. The monitoring of these activities is still continuing through the Local area Agreement, but there at present is no reward grant allocated to these.

6.3 How Will We Measure our Achievements?

The data is collected regularly and will be monitored with statistical reports being sent to the Performance Officer for the authority every quarter, which is then reported to the necessary council committees.

The actual spend of the Council's capital funding is reported to the Capital Resources Group at regular intervals and a reconciliation is carried out each quarter and reported to the relevant Council Committee.

We will use the data we collect to inform future reviews of this policy document and in shape our provision and improvement of services.

CREWE AND NANTWICH BOROUGH COUNCIL COMMON ENFORCEMENT POLICY

Introduction

The purpose of this policy is to set out what business and individuals being regulated can expect from us in enforcing the law.

Our primary function is to protect the public and the environment. At the same time, carrying out our enforcement functions in an equitable, practical and consistent manner helps to promote a thriving local and national economy. We are committed to these aims and to maintaining a fair and safe trading environment.

The effectiveness of legislation in protecting the public, employees and legitimate business, depends crucially on the compliance of those regulated. We recognise that most businesses and individuals want to comply with the law. We will, therefore, take care to help business and others to comply with their legal obligations, without unnecessary expense, whilst taking firm action, including prosecution, where appropriate. All citizens, whether as public employee or in business will obtain the benefits of this policy through being better informed, free to exercise choice and being safer.

The policy explains the approach to enforcement in general terms, since it is intended to be applied to a wide range of situations. For some functions it is supplemented by other more specific enforcement policies. This policy takes into account official Central Government guidance contained in the *Enforcement Concordat* to which this Borough was an originating signatory.

Consequently, the policy is based on the six guiding principles of the Enforcement Concordat. In addition, those areas relating to formal enforcement have been prepared with due regard to the Code for Crown Prosecutors.

Standards

In consultation with our stakeholders, we will draw up clear service standards, setting out the level of service and performance the public and business can expect. We will report our performance against these standards.

Openness

We will provide information and advice in plain language on the rules that we apply and will make this available as widely as possible. We will be open about how we set out our work and consult our stakeholders on issues that affect them.

We will discuss general issues, compliance failures or problems with anyone experiencing difficulties.

Helpfulness

We believe that prevention is better than cure and that our role therefore involves working with business, especially small enterprises and large 'national' businesses that are locally based, to advise and assist on compliance. We will provide courteous and efficient service and our staff will identify themselves by name. We will provide a contact point for further dealings with us and will strongly encourage business to seek advice/information from us. Applications for approval, licences, registration, etc, will be dealt with efficiently and promptly. We will wherever practicable, co-ordinate our enforcement services to minimise unnecessary overlaps and delays.

Complaints

We have a formal complaints procedure based on the Customer Comment Forms, which attempts to resolve disputes in an effective and timely manner. We will explain the mechanisms for appeal where the dispute cannot be resolved.

Proportionality

We will minimise the costs of compliance for business by ensuring that any action we require is proportionate to the risks. As far as the law allows, we will take into account all the circumstances of the case and the attitude of the business, when considering the level of action. We will take care to work with small business and voluntary and community organisations so that they can meet their legal obligations without unnecessary expense where practicable.

Consistency

We will carry out our duties in a fair, equitable and consistent manner. While inspectors are expected to exercise judgement in individual cases we will have arrangements in place to promote consistency, including effective arrangements with other authorities and enforcement bodies.

LEVELS OF ENFORCEMENT ACTION

One or a combination of methods may enforce legislation, including: -

Promotion

Raising awareness about legal standards and promote good practice. This is typically achieved by the issuing of press releases, making leaflets or other forms of general guidance available and by visits by officers. Advice from an

officer will be put clearly and simply, in writing if required, specifying why any remedial work is necessary, over what time-scale, and making sure that legal requirements are clearly distinguishable from best practice.

Informal Warnings

Informal warnings may be oral or in writing and will be issued where: -

- The nature of the breach is minor;
- From past history it can be reasonably expected that such action will achieve compliance;
- The consequences of non-compliance will not pose a significant risk to the public or the environment or prejudice published policy.

Even where some of the above criteria are not met, where appropriate, due regard will be given to the size and/or nature of the business i.e. such as small enterprises and voluntary bodies.

Formal Action

This includes the use of statutory notices, the refusal to grant a licence, works in default, naming rogue traders in the media, formal cautions and prosecution. In investigating any breach, due regard will be given to procedures laid down in legislation, any relevant codes of practice and official guidance. Before taking formal action, we will provide an opportunity to discuss the circumstances of the case, and if possible, resolve any points of difference, unless immediate action is required.

Statutory Notices

Many Acts enforced by the Council provide for the service of statutory notices, which require businesses or individuals to comply with specific legal requirements. The notice will explain what is wrong, how to put things right, what will happen if the notice is not complied with and rights of appeal should you feel the notice is excessive or unjustified.

In general, failure to comply with a notice makes the recipient liable for prosecution. Failure to comply with a notice also may allow the Council to carry out the works, as detailed in the notice and claim the relevant costs from the recipient. In exceptional circumstances, prosecution may be taken alongside the issuing of a notice.

Formal Cautions

This option will be considered before prosecution. A formal caution is a serious matter and is recorded on the Central Register of Convictions. The caution may influence the decision, where future breaches are identified and

is referred to in any subsequent proceedings, up to three years from date of offence. Formal cautions serve the following purposes: -

- To deal quickly and simply with less serious offences;
- Avoid unnecessary appearance in criminal courts;
- To reduce the chance of offenders re-offending.

Before issuing a formal caution, there must be clear evidence of guilt or a realistic prospect of conviction. The offender must admit the offence, by signing a declaration and understand the significance of the formal caution. In most instances a formal prosecution will commence against the offender should they refuse to sign the caution.

Prosecution

The Council will use discretion in deciding whether to initiate a prosecution. Other approaches may be effective, but where circumstances warrant it, prosecution without prior warning and recourse to alternative sanctions may take place.

The Council will consider prosecution when: -

- It is appropriate in the circumstances, as a way to draw attention to the need for compliance with the law and the maintenance of standards required by law, especially where there would be a normal expectation that a prosecution would be taken, or where, through the conviction of offenders, others may be deterred from similar failure to comply with the law; or
- Where there is the potential for considerable harm arising from the breach; or
- The gravity of the offence, taken together with the general record and the approach of the offender, warrants it.

The Council will also identify and prosecute individuals, including Directors and Managers, if they consider that the acts or omissions by these individuals, led directly to the commission of the offence.

The decision to prosecute will always take into account the criteria set down in the Code for Crown Prosecutors.

Before deciding to prosecute: -

- There must be sufficient evidence for a realistic prospect of conviction, taking into account any statutory defence that is available; and
- It must be in the public interest.

The following public interest criteria will normally be taken into account when deciding on the relevance of legal proceedings (although this list is not exhaustive): -

- The prevalence of the type of offence;
- The need for a suitable deterrent;
- The risk of danger or injury to the public;
- The failure to comply with a statutory notice or to respond to advice about legal requirements;
- The disregard of legal requirements for financial, or other, reward;
- Significant economic loss, potential or actual, to a third party;
- A history of similar offences;
- Persistent breaches of legislation;
- The prospect of further re-offending;
- Where fraud, gross negligence, or guilty knowledge is a factor;
- Minor breaches of a number of statutes.

Where possible, an offender will be told as soon as sufficient evidence is obtained of the potential outcomes of the investigation, including prosecution.

A prosecution will not be brought as a mechanism for an affected third party to seek compensation through the criminal courts, unless other public interest criteria are also satisfied.

All prosecutions will be brought without unnecessary delay.

Shared Role

Where there is a shared or complementary enforced role with other agencies e.g. Police, HSE or the Environment Agency, full liaison will take place in respect of any decision to prosecute.

Appendix 2

Private Sector Housing Enforcement Policy

The standards you can expect when dealing with Housing Officers.

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Introduction

The function of enforcement is to protect the public, environment, tenants and local business. In carrying out this enforcement role the Crewe and Nantwich Borough Council will carry out its duties in a consistent and fair manner to help to promote a thriving national and local economy.

Crewe and Nantwich Borough Council is committed to the principles of the Government's Enforcement Concordat. This means that we will publish service standards for all private sector housing enforcement work following consultation with interested parties. These standards set out the levels of service the public, landlords and business people can expect to receive.

The principles set out in the Enforcement Concordat are intended to ensure;

- § Openness about the way we carry out our work,
- § Helpfulness in terms of providing advice and assistance,
- § Proportionality i.e. any action we take will be proportionate to the risks, and
- § Consistency i.e. our duties will be carried out in a fair and consistent manner.

This document covers all enforcement activities carried out by the private sector housing staff under the delegated authority granted by Crewe and Nantwich Borough Council. It will used to enforce the legislation mentioned later in this document.

Its purpose is to provide an enforcement standard that respects and complies with the principles of the Enforcement Concordat and meets the requirements of the guidance published by both Government and the relevant professional bodies.

The Crewe & Nantwich Private Sector Housing Renewal Policy 2006 included the Enforcement Concordat and this whole document was widely consulted upon, as part of its development. This policy document is to be used in conjunction with the main renewal policy, as a standard that the officers within the private sector housing team will work to.

The Housing Service

There are well-established links between health and environmental conditions, which includes housing. Various Acts of Parliament have given local councils the responsibility of remedying unsatisfactory housing conditions. Our responsibilities apply in the private rented, owner-occupied and the transferred housing stock sectors.

We carry out responsibilities by;

- § Carrying out house condition surveys to identify the problem areas.
- § Dealing with individual non-decent or overcrowded houses.
- § Inspecting and taking any necessary action to ensure decency, compliance with Housing Health and Safety Rating System (HHSRS) and

fire safety in hostels, bedsits, flats, and other Houses in Multiple Occupation.

- § Declaring clearance areas or making demolition orders where renovation is not seen as being the most suitable course of action.
- § Responding to general enquiries about housing standards and management.
- § Abating public health nuisances associated with blocked or defective drains.

Aim of the Policy

The Private Sector Housing Team is committed to ensuring good quality, healthy, safe and decent housing for all.

General Principles

Each case is unique and will be considered on its own merits and facts.

In arriving at a decision to recommend formal action, Private Sector Housing Officers will be fair, independent and objective. They will not let any personal views about ethnic or national origin, sex, religious beliefs, political views or sexual orientation of the suspect; victim or witness influence their decision. They will not be affected by improper or undue influence from any source.

It is the responsibility of the Investigating Officer: -

- In conjunction with the Council's appointed Solicitor, to ensure that the right person or company is prosecuted for the right offence.
- To ensure that the law is properly applied, that all relevant evidence is put before the Court and that obligations of disclosure are complied with.
- In consultation with the relevant authority, to ensure that in situations where there is a shared enforcement role the most appropriate body carries out the enforcement action.

In carrying out its enforcement activity the Council: -

- Will take into account the particular interests of all residents within the authority's area including business owners, employees and the public.
- Will also respect and have due regard to the principles of the European Convention on Human Rights and the provisions of the Human Rights Act 1998, in particular with regard to the rights to private and family life.
- The Data Protection Act will be used when collecting evidence and officers will have due regard to matters of confidentiality. This information will only be divulged if required by law or by some other authorisation.

Enforcement Activities

The main enforcement activities referred to in this document relate to the following principal Acts of Parliament. The Acts referred to below, relate to the principal legislation used on a daily basis by our section. The list of Acts is not exhaustive, as there are other Acts, which may from time to time be used. However, the criteria for adopting formal action when using other notices will be the same as that highlighted on page 7 of this document.

Housing Acts 1985, 1996 & 2004
Housing & Planning Act 1986
Housing Grants, Construction and Regeneration Act 1996
Defective Premises Act 1972
Landlord & Tenant Act 1987
Protection from Eviction Act 1977
Building Act 1984
Public Health Act 1936 to 1968
Public Health (Recurring Nuisances) Act 1969
Environmental Protection Act 1990
Prevention of Damage by Pests Act 1949
Water Industry Act 1991
Local Government (Miscellaneous Provisions) Act 1976 and 1982
Environment Act 1995
Control of Pollution Act 1974
Land Drainage Act 1991
Noise and Statutory Nuisance Act 1993
Dog (Fouling of Land) Act 1996
Caravan Sites and Control of Development Act 1960
Caravan Sites Act 1968

Together with Regulations, Orders and guidance produced under these Acts.

In addition to the principal Acts referred to, this Enforcement Policy also covers all of the activities listed in the "Employee Authorisation" issued to officers of the Council and activities listed within the Crewe and Nantwich Borough Council Private Sector Housing Renewal Policy.

All officers are required to comply with this Enforcement Policy in full. Any proposed variation must be referred to the Head of Housing in the first instance or to the Deputy Chief Executive/Chief Executive where the matter cannot be determined under existing terms of delegation to the Head of Service.

Inspections

The law allows us to;

- § Enter premises at a reasonable time;
- § Take authorised persons or equipment on the inspection;
- § Carry out any examination, take measurements, samples or photographs;

- § To interview employees and tenants to establish information relevant to the investigation, in accordance with the Police and Criminal Act 1984. We may ask to speak to employees, and tenants privately if required;
- § Examine any relevant records and take copies.

It is an offence to obstruct any of these legal rights.

The Investigating Officer will be looking for?

Physical condition of the fabric of the property and the suitability for human occupation;

- § *Disrepair*
- § *Dampness*
- § *Structural stability*
- § *Availability and condition of amenities*
- § *Presence of Category 1 and/or 2 hazards as determined by the HHSRS.*

In the case of a House in Multiple Occupation (HMO) e.g. bedsits or flats with common areas, the investigating officer will be looking for the provision of basic amenities for the number of occupants, whether or not fire safety is adequate and assess how well the property is being managed by the landlord.

The investigating officer will also be looking to see if the property is overcrowded and where a public health nuisance is suspected the inspector will need to establish if a statutory nuisance exists, who is affected and how, who is responsible and how to resolve the problem.

When drainage inspections are being carried out, the investigating officer will be looking to identify the nature and location of the fault, and who is responsible for remedying them.

In addition to enforcing legislation we give informal advice and information on various matters such as gas safety, and tenant rights, as necessary.

Informal Action

Informal action will consist of one or more of the following as a consequence of an inspection, investigation or visit;

- § Verbal advice
- § Verbal request for action
- § Written request for action
- § Written warning of formal action if faults are not corrected

Circumstances in which informal action is likely to be appropriate include situations where;

1. The act or omission is not serious enough to warrant formal action,

2. The individual or company's past history suggests informal action will achieve compliance,
3. The investigating officers' confidence in the management of the property or premises is high
4. Standards are generally good suggesting a high level of awareness of statutory responsibilities, and
5. The consequences of non-compliance with standards are acceptable e.g. minor matters, or the time period allowed to seek compliance does not present a risk to public health.

Investigating officers will clearly identify those matters that are in contravention of the legislation and those that are simply recommendations reflecting good practice.

Persons receiving an Informal Notice (verbal or written) will be given the opportunity to discuss the requirements with the investigating officer and agree an appropriate programme of work and timetable for completion. The name of the investigating officer will be given to encourage feedback and if necessary facilitates complaint or appeal. Regular contact with the investigating officer, as the works progress, will be encouraged.

A re-visit may be carried out subsequently to confirm that identified faults have been corrected.

Formal Action

The Council is authorised to take formal enforcement action on;

- § All matters dealt with under the Acts and Regulations delegated to Housing Officers;
- § The service of Statutory Notices,
- § The issue of Formal Cautions, and
- § Legal proceedings in a Court of law,

Statutory Notices - Statutory notices are legal documents normally requiring the recipient to carry out works to ensure compliance with an Act of Parliament.

Criteria for Adopting Formal Action

The use of enforcement action will at all times be consistent with the principles set out in the Enforcement Concordat. In coming to a decision Officers will have regard to;

1. Where informal action has not/or is not likely to achieve the desired outcome,
2. The seriousness of the offence,

3. The individual's or company's past history in terms of compliance,
4. The Officers confidence in the management of the property or premises,
5. The consequences of non-compliance in terms of risk to people, property or the environment,
6. The likely effectiveness of the various enforcement options, and
7. The risk to public health, i.e. the standards are generally poor with little management awareness of statutory requirements.

Where enforcement action is contemplated against an organisation outside the Crewe and Nantwich Borough Council's geographical boundary, regard will be had to the information provided by the home or lead local authority.

Other factors that will be considered, where relevant, include;

- § Case law
- § The overall record of the company, agent or landlord
- § The significance of the proposed action in national terms, and
- § The application of any national guidance to the matter in question.

Statutory Notices

The decision to serve a statutory notice depends on whether there is a power or duty to serve such a notice, as well as taking into account the following: -

1. There are significant contraventions of legislation,
2. There is a lack of confidence in the landlord, agent or owner to respond to an informal approach,
3. There is a history of non-compliance in response to informal action,
4. Property conditions are generally poor with little management awareness of statutory requirements,
5. The consequences of non-compliance could pose a serious risk to public health,
6. Effective action needs to be taken quickly in order to remedy conditions that are serious or deteriorating.

Prior to the issue of a Statutory Notice officers will usually discuss the case with their/a senior or manager to ensure that management supports the proposed action. Exceptions to this arrangement include situations where immediate action is required. Time limits specified in notices will be realistic and wherever possible requirements set out in notices will be agreed with the intended recipient/s, prior to issue.

Failure to comply with a Statutory Notice will be referred firstly to the Private Sector Housing Team Leader and then to a case meeting made up of;

- § Private Sector Housing Team Leader or,
- § The Investigating/Inspecting officer,
- § A Solicitor where necessary.

Failure to comply with a legal notice can have serious consequences and the Council can take the following action;

- § Carry out the work specified in the notice, in default of the notice and recover the costs including administration charge, and also;
- § Prosecute the person stated on the legal notice for non-compliance with the notice.

Prosecutions

The key question when considering whether or not to prosecute will be to ask "is there sufficient admissible and reliable evidence, is there a realistic prospect of conviction and is the prosecution in the public interest".

The final decision to initiate Court proceedings will be taken in agreement between the Investigating Officer, Private Sector Housing Team Leader, Legal Section and the Head of Housing Services following the outcome of the case meeting.

The circumstances that warrant prosecution will normally be characterised by one or more of the following:

Evidential Test

- What the law states
- Whether an offence has been committed
- What that offence is
- Who is responsible for compliance under the relevant act
- Who can enforce the legislation
- Who investigates
- Is there sufficient evidence
- Is there a reasonable prospect of success
- Will the proceedings be brought without undue delay

Public Interest Test

- The seriousness of the offence, including: -
 - The risk to health
 - The affect on identifiable victims
 - Failure to comply with a statutory notice
 - Disregard for health and safety for achieving financial reward.

- The likely penalty on conviction
- The previous history of the defendants: -
 - History of similar offences
 - Failure to respond to previous warnings and informal action.
 - Failure to comply with statutory notices
 - The likelihood of re-offending
- The ability of witnesses and their willingness to cooperate. with a statutory notice

As soon as the decision to prosecute has been made the Investigating Officer will instruct the Council's Appointed Solicitors to commence proceedings.

Formal Cautions

The "Formal Caution", may be used as an alternative to prosecution, Home Office Circular 18/1994 states that the purposes of a Formal Caution are;

1. To deal quickly and simply with less serious offences,
2. To divert less serious offences away from the Courts,
3. To reduce the chances of repeat offences.

In order to safeguard the offender's interests, the following conditions must be met before a Caution can be administered;

- § There must be evidence of the offender's guilt sufficient to give a realistic prospect of conviction;
- § The offender must admit the offence;
- § The offender/s must understand the significance of a Formal Caution and agree to being cautioned.
- § The caution will be recorded in the Central Register of Convictions.

The investigating Officer in agreement with the Head of Housing and the Borough Solicitor will determine if a Formal Caution is the most appropriate form of sanction having regard to the recommendations from the case meeting. The individual or company concerned will be advised of the decision and requested to confirm acceptance within 14 days. The "Cautioning Officer" for offences described in this document will be the Borough Solicitor.

Review of Policy

This Enforcement Policy will be reviewed regularly to take account of changes in the law, operational experience and feedback from individuals, residents and businesses. This will be necessary to ensure its status

remains current, within the framework of the most up-to-date legislation and guidance issued by the Government.

Compliance with the policy will be monitored and reviews will take place regularly and will take into account;

§ Current legislation and/or guidance.

§ Comments received from residents, customers, businesses and visitors to the District.

Finally, how can you help us to help you!

We are constantly looking at ways to improve our services and would welcome comments on this Enforcement Policy or any other matter relating to our service. Contact details are below: -

Head of Housing
Municipal Buildings
Earle Street
Crewe
Cheshire
CW1 2BJ

Tel: (01270) 537257

Fax: (01270) 537758

Web: www.crewe-nantwich.gov.uk

Appendix 3

Priorities for Disabled Facilities Grant Applications

1. Client at high risk of needing immediate respite care until work has been completed i.e. serious risk of accident or injury to client or carer.
2. Provision of independent or safe access to essential facilities and to the property without which there would be a potential breakdown of the current situation.

Also to include provision of bathing facilities for medical need to bathe e.g. skin condition or incontinence.

3. Work will offer an improved service to the one currently offered and improve the client's long term ability to remain to home e.g. provision of a shower for non-medical reasons as an alternative to strip wash/Home Care Assistance.
4. Work has been requested by the client and could improve quality of life, but no assessed impact on ability to remain at home.