



PRIVATE HOUSING RENEWAL STRATEGY AND POLICY 2003

Department for the Environment

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EXECUTIVE MEMBERS FORWARD

There is a clear economic, social and environmental case for public investment in housing. It is fundamental to meeting the council's vision of continuously and significantly improving the quality of life for the people of Torfaen.

Everyone has the right to a decent home - one that is warm and dry, and meets at least the minimum standards expected of 21st century living in the western world.

Poor housing is an integral contributor to social exclusion and the cycle of deprivation. It can act as a contributory factor in the low levels of aspiration and expectation that exist in some communities. It can lead to poor health, which prevents high levels of economic activity and the creation of wealth. Poor housing is often also associated with a poor overall environment that discourages private investment.

The council provides housing, as landlord, for 28% of Torfaen's population, often for the poorest, who cannot afford to own their own house, but 72% of Torfaen's population live in private housing, either as owner/occupiers or in private rented accommodation. Clearly, owners themselves are responsible for the repair and maintenance of their homes. However, there are some that simply cannot afford to do so. It is in these circumstances that the council has a duty to intervene and assist.

This document sets out Torfaen County Borough Council's proposals on how we plan to intervene in improving the Private housing sector. Inevitably, limited resources mean that we cannot respond to all demands. Difficult choices have to be made.

The approach taken in developing our own policy and strategy has been one of incremental change. Therefore, some existing policies remain unchanged, others have been slightly modified to reflect particular requirements, while others are new and more flexible to reflect a pragmatic approach to improving the quality of the private sector housing stock in the County Borough.

John Marshall
Executive Member for the Environment.

Vision and Strategy

Torfaen County Borough Council is committed to supporting people, achieving social inclusion, striving towards environmental sustainability, tackling crime and disorder and promoting community well being. These issues are part of the wider regeneration framework of the County Borough, however each is also related to the provision of an acceptable standard of housing.

The vision that is set out in the Better Homes review is as relevant to the private housing sector as it is to public sector housing. That is "In Torfaen, decent quality housing in an acceptable environment will be available for all". This means that there is a choice of housing for; different income groups, ages and abilities, locality needs combined with the appropriate facilities and services. This will require systematically improving residential areas throughout the County Borough on a needs and condition basis.

In the long term, the private housing sector in Torfaen should be self-sustaining, such that public sector support decreases on an annual basis, replaced by greater investment by private owners and there being greater access to home improvement loans. In addition there could be a pool of houses that can be used or easily adapted for people with disabilities spread throughout the authority to reduce the need for continuous refurbishment.

Modern building standards should ensure that new housing stock will meet the needs of people well into the future and therefore the programme of improving the older homes will eventually reach a point where much of the poorer condition properties will have been improved. Where renovations do take place under the Council's grant regime then these too will meet the new building standards and provide safer, warmer and more secure homes. Improvements to the housing stock will however have to consider building conservation issues in the Conservation areas of the Authority. This will be particularly important in areas such as the Blaenavon World Heritage site

where the heritage and architectural integrity of the buildings are an integral component of the area.

The intervention of public sector support into the private housing market provides opportunities for the Council to positively influence the creation of jobs in this field, new partnerships and incrementally improve sustainable practices and building specifications. Conservation work is particularly skilled and there are opportunities to create a specialised sector through this work as part of continuous support for businesses and job creation.

The important components of this strategy and the associated policies include the following:

- Reducing the level of unfit properties
- Targeting assistance to the most vulnerable households
- Providing a transparent and equitable enforcement policy
- Assisting the regeneration process
- Developing partnership working
- Developing other forms of assistance to private house owners
- Improving operational efficiency of the Council
- Complimenting existing policies of the Council and partners
- Regularly reviewing achievements and setting new performance targets to ensure continuous improvements.
- Contributing to sustainable development
- Working towards a non-grant dependant culture

1 Background

1.1 The Regulatory Reform Order on Housing Renewal

1.1.1 The Regulatory Reform Order on Housing Renewal came into force on 18 July 2002. This Order has important implications for local housing authorities because it repeals much of the existing prescriptive legislation governing the provision of housing renewal grants and replaces them with a new wide-ranging power to provide assistance for housing renewal.

1.1.2 The Order provides authorities with a much greater degree of flexibility in devising their own strategies to deal with poor condition private sector housing, both in terms of the policy tools available to them, and their ability to work in partnership with others. The Order provides wide ranging opportunities for local authorities to contribute further towards meeting the objectives of the Welsh Assembly Government's Plan for Wales in respect of improving housing stock. The Order enables local authorities to develop strategies to tackle poverty and social exclusion, health inequalities and neighbourhood decline within the overall framework of the National Housing Strategy Better Homes for People in Wales .

1.2 Policy Context

1.2.1 The Community Strategy 2002/3 for Torfaen sets an ambitious vision, stating *in Torfaen, decent quality housing in an acceptable environment will be available to all* . The Council understands that this aspiration will require a long-term sustained programme of improving the poorer housing stock in Torfaen where substantial investment is needed to bring it all up to an acceptable standard. Investment in assisting with the improvement to private sector housing will however continue to be influenced by the National Housing Strategy Better Homes for People in Wales , the Plan for Wales 2002 , Wales Programme for Improvement, the UK Fuel Poverty Strategy, Supporting People and Planning Policy Guidance for housing as well as the

Council's own policies including Housing, Regeneration, Crime and Disorder, Economic Development, Community Wellbeing, Environmental Sustainability and Health.

1.2.2 Housing renewal and planning policies must also be closely integrated, particularly where housing supply and demand imbalances are a serious issue. The Unitary Development Plan (UDP) is key for setting out the long-term framework for the physical renewal and retention of the authority's housing infrastructure. Guidance in Planning Policy Wales stresses the importance of integrating the provisions of local housing strategies with the relevant provisions of the UDP and the need to address the scope and potential for rehabilitation and conversion. Planning and Affordable Housing supplements the guidance contained in Planning Policy Wales.

1.2.3 In 2002, Torfaen County Borough Council was subject to a review by the Audit Commission, called the Better Homes Review. The review involved many people and organisations, within and outside the Council. In summary the purpose of the review was to test whether the Council's Housing Strategy and its arrangement of housing services are capable of delivering the Council's vision for better homes for the people of Torfaen. The review looked at the following Private Housing areas as part of the Better Homes review:

- Improving the repair and maintenance of the private sector
- Ensuring the quality and appropriateness of the provision of housing and support for specific (vulnerable) groups
- Identifying the need for housing in Torfaen and ensuring its supply
- A better place to live covering neighbourhood regeneration and community development

1.2.4 The key challenges for improving the repair and maintenance of the private sector have been identified from the review as being:

- The poor condition of the private sector housing stock in Torfaen
- The Council's approach to improving private sector housing
- The role of renewal areas in regeneration
- Measuring the effectiveness of intervention and;
- Connecting up housing policy development

1.2.5 The key actions for improving the repair and maintenance of the private sector are:

- Continuing to build upon the changes to private sector housing services further improving service delivery
- Training staff regularly on services offered by the Council and its partners, providing them with information on-line or in hard copy, to enable them to effectively signpost customers through the system
- The development of the Council's own private sector renewal strategy, working with owners, landlords and tenants to drive up standards, building upon the good practice developed in the renewal areas
- Developing and strengthening the Council's brokerage role so that preventative advice can be extended to more homeowners and landlords.
- Reviewing the quality of service provided to private sector housing service users; This will include improving the supply of information provided about services
- Reducing the level of unfitness and, by extension, improving the health and life-chances of residents, including educational attainment, setting clear and quantifiable targets for improvement
- Extending the benefits of the renewal area approaches in Blaenavon and Abersychan to a proposed renewal area in Pontypool and other areas
- Working to promote repair and maintenance in the private sector, encouraging those who are not eligible for means tested grant

assistance to invest their own resources in the fabric of their homes to deliver improvements to the quality of the housing stock.

- Improving approaches to cross-cutting issues, e.g. Energy Efficiency and tackling fuel poverty

1.3 Location and Focus of Housing Issues

1.3.1 Torfaen is the most easterly valley of South Wales, comprising 3 main communities, namely Blaenavon, Pontypool and Cwmbran with a population of approximately 91,000 covering an area in the region of 126 square kilometres.

1.3.2 The history and development of Pontypool and Blaenavon stems from the exploitation of iron and coal. As these industries declined so too did the dependent valley communities, resulting in a spiral of social and economic decline. The challenge for the North of the County Borough is to reverse this decline through promoting its industrial heritage, its environmental assets; by encouraging social inclusion and learning opportunities and by taking proactive action in housing renewal.

1.3.3 In contrast, Cwmbran, in the South, has been a focal point for growth since its designation as a New Town in 1949. The early and mid years of its evolution witnessed major housing developments and growth in population to its current level of about 48,000. The challenges now facing Cwmbran are to diversify its economic base and to address the social decline of its communities located in the Southwest areas which suffer from high levels of youth unemployment, benefit dependency and social exclusion. On the housing front the key issue that is unique in Wales is the fact that the largest proportion of Cwmbran housing stock was built in a short period of time and between fifty and thirty years later this housing is now requiring refurbishment at the same time.

1.4 Demographic and Social Change

- 1.4.1 The age structure of the population of the Torfaen County Borough area is similar to that to the West Wales and the Valley s region and Wales as a whole. (Ethnic groups make up just 0.7% of the total population, compared with 1.5% for Wales overall and 6.4% for the UK). 14,700 people in Torfaen are aged 65 years and over, of which 5,700 are 75 years and over. 10% of all households in Torfaen are single older people on incomes below £9,000 p.a.
- 1.4.2 The new index of Multiple Deprivation 2000 highlights the extent of poor health within the Torfaen area. Eight of the twenty-five wards within Torfaen feature within the top quartile of the most deprived wards in Wales in terms of health deprivation and disability. 17% of the population of Torfaen have a limiting long-term illness or disability compared with 16% for Wales overall and 12% for England. 81% of people over pensionable age have a long-term illness or disability (Torfaen Social Services).
- 1.4.3 Twenty five percent (25%) of the population within Torfaen of working age are registered as being economically inactive. This is partly reflective of the proportion of people in Torfaen suffering limiting long-term illness, particularly in the Mid and North of the County Borough.
- 1.4.4 In April 2003, 1,401 residents were registered as claiming Job Seekers Allowance and therefore unemployed. Of these, 30.05% were aged between 18 and 24. 13.6% of people claiming Job Seekers Allowance in Torfaen have been unemployed for over 52 weeks and are thus long term unemployed.
- 1.4.5 In the report Mapping Social Exclusion in Wales published by the National Assembly for Wales in 1999, 53.8% of households in Torfaen had an annual income of less than £10,000.

1.4.6 Torfaen has the highest number of emergency admissions to hospital within the former Gwent area. (Torfaen Local Health Group). The number of patients awaiting hospital discharge due to inadequate home facilities has increased consistently leading to Torfaen having the second worst performance statistics within the former Gwent area (Torfaen Local Health Group).

1.5 Housing Conditions

1.5.1 Torfaen County Borough suffers from concentrations of poor housing and social deprivation, particularly in the South West area of the County Borough and Mid and North Torfaen.

1.5.2 The Welsh House Condition Survey 1998 found that 64.3% of the housing stock in Torfaen was owner occupied and 2.3% privately tenanted.

1.5.3 11.32 % of the housing stock (approximately 4,100 properties) is unfit for habitation making it the third worst unfitness rate in Wales. The Welsh Average being 8.5%

1.5.4 10.8% of the owner occupied stock and 15.2% of the privately rented stock is unfit. (Approximately 2,700 properties in total).

1.5.5 The Welsh House Condition Survey estimates repair costs for owner occupied properties in Torfaen to be £17,500,000.

1.5.6 During 2001/2002 384 grant approvals were made as follows: -

GRANT TYPE	NUMBER	£M
Disabled Facilities Grants	154	1.115
Home Repairs Assistance	127	0.456
Renovation Grants	27	0.683
Group repair Schemes	76	1.512
Total	384	3.766

1.5.7 During 2002/03 grant aid has been approved as follows: -

GRANT TYPE	NUMBER	£M
Disabled Facilities Grants	223	1.897
Home Repairs Assistance	75	0.321
Renovation Grants	4	0.64
Group Repair Schemes	41	0.493
Totals	343	2.775

1.5.8 The Authority has formally declared three Renewal Areas in Pontypool, Abersychan, and Blaenavon. Within these areas there are approximately 3,500 properties. The Authority's own house condition survey carried out prior to the declaration of the Blaenavon and Abersychan Renewal Areas found that there were extremely high levels of properties that were unfit for habitation or in substantial disrepair. This ranged from 11.2% unfit properties and 22.4% in substantial disrepair in the Pontypool / Abersychan area to 28.7% unfit properties and 48.2% in substantial disrepair in the Blaenavon area.

1.5.9 The Renewal Areas will remain in force for a period of 10 years, Blaenavon and Abersychan expiring in 2009 and Pontypool in 2013.

1.5.10 In the south of the County Borough Cwmbran New Town is now over 50 years old, although the bulk of the house construction took place during the 1960's and 70's. Many of the properties have been acquired under the right to buy legislation and have not been as well maintained as similar public sector stock.

1.5.11 In common with other new towns there is a problem with simultaneous ageing of the stock and since many of the properties were constructed using innovative non-traditional building methods, repair and maintenance can be difficult, costly and beyond the affordability of many homeowners.

1.5.12 The issues relating to the private sector stock condition in Cwmbran will need to be addressed in a comprehensive manner. The flexibility of the new reforms

will enable innovation in the New Town, however the present emphasis is on the decline within the older community areas.

2 Delivering the Strategy

2.1 Commitment and Resources

2.1.1 Torfaen County Borough Council is committed to providing decent quality housing in an acceptable environment for all , as stated in its Better Homes review of 2002. This vision is set in the context of the Corporate Plan that states that the Council will: -

- work in partnership to transform areas of poor quality housing and contribute to wider regeneration initiatives;
- work with a wide range of partners to establish and meet the housing requirements of the people of Torfaen;
- review the direction of Council housing policy to promote change and improvement.

2.1.2 This vision for housing in Torfaen is further set out in its Community Strategy and Best Value Performance Plan. Members have adopted these and officers implement the vision through the delivery of an agreed action plan through their Service and Organisational Development Plans.

2.1.3 The Department for the Environment is responsible for administering and implementing the Private Housing Policy and associated grants. The Private Housing Renewal Team comprises two distinct elements, where the contract and client role is clearly separate. The Team is well resourced in terms of delivering the grant processing function as well as the contract support function. In addition there is a clear divide to enable audit checks to be undertaken to ensure the probity of grant allocations.

2.1.4 In addition the Council has created links between the Housing and other Departments of the Council, most notably the Social Services Department, to ensure that they address areas where joint working is required in a

collaborative and timely manner. Here the Departmental Managers agree areas of activity, setting clear targets for the delivery of joint protocols and procedures, and subsequently sign off completed work and monitor work in progress.

- 2.1.5 The Council continues to support the Care and Repair Agency in partnership with Eastern Valley Housing Association, Torfaen Local Health Group and Age Concern through a Steering Group.

2.2 Assistance to Private Home Owners

- 2.2.1 It has been made clear in the guidance to Welsh Authorities by the Welsh Assembly Government (WAG), that it is primarily the responsibility of homeowners to maintain their own property. However the WAG is committed to improving quality across all tenures including the owner-occupied sector and fully accepts that some homeowners particularly the elderly and most vulnerable do not have the necessary resources to keep their homes in good repair. Local authorities, therefore, have an important role to provide assistance in these cases.
- 2.2.2 The Regulatory Reform Order provides local authorities with wide ranging powers to provide housing assistance for housing renewal. Grants are one of the main forms of assistance, however additional elements may include provision of various types of loans and other forms of assistance such as:
- supply of discounted materials,
 - provision of labour or local authority carrying out work directly,
 - assistance through access to tool hire schemes,
 - referral to home improvement agency (e.g. Torfaen Care and Repair)
 - free or a reduced cost for survey work and advice on carrying out repairs,
 - provision of a list of accredited builders and agents offering a warranty service,

- assistance with temporary accommodation while work is carried out, including fees for renewal and the storage of effects.

2.3 Tackling the Problems — Unfit Properties

2.3.1 In Torfaen there is a high level of unfitness in the private sector. Currently this is 10.8% for owner-occupied properties and 15.2% for privately rented accommodation. (Welsh House Condition Survey 1998). Torfaen has the third highest unfitness rates in Wales. This is, therefore, clearly one issue that our housing renewal policies should look to address.

2.3.2 Many of the unfit private sector properties are in the north of the County Borough and in these areas concentrated renewal activities within the Renewal Areas are helping to reduce unfitness levels. (Please refer to the chapter on area based activities). There are, however, individual properties and smaller pockets of properties outside of these renewal areas, which are unfit, and which will need to be considered in our housing renewal policies.

2.3.3 Local authorities have extensive powers to intervene where they consider housing conditions to be unacceptable. Torfaen has developed its own policies on enforcement which are contained in chapter 14 of this document.

2.4 Grant Dependency Culture and Other Forms of Assistance

2.4.1 There has been for many years a relatively high level of funding for housing grants throughout the Welsh local authorities in comparison with our English counterparts.

2.4.2 The guidance suggests that there is a rising level of grant dependency amongst the private sector owners and that local authority policy should move towards the use of loans and other forms of assistance.

2.4.3 The way in which grant dependency manifests itself is that homeowners in some areas assume that they will receive regular injections of financial assistance through housing grant aid to maintain their property. This has been evident in Torfaen where there are recorded instances where homeowners have received a number of grants over a period of time.

2.4.4 In order to address possible grant dependency, the Council will seek to review the emphasis in the way it provides assistance, review the link between grant assistance and assess the use of loans as well as encourage and assist owners to take responsibility for repairs and maintenance of their own homes. The Council will therefore review its brokerage role and consider how it will deliver advice and assistance to homeowners regarding home maintenance. This would include consideration of the following: -

- Offering maintenance support
- Providing advice on condition of property and assistance in prioritising action
- Setting up DIY courses
- Developing tool loans schemes
- Compiling and supplying lists of reputable builders
- Developing handyman schemes
- Produce useful information in a Homeowners pack
- Producing a self help guidance manual

It is clear that these will take some time to investigate and develop. In so doing the Council will seek to form and build on partnerships with related organisations.

2.4.5 In this respect, the Council will work with partner organisations such as the newly formed **Torfaen Care and Repair Home Improvement Agency** in particular, as their focus is with vulnerable groups in the private sector i.e.

older persons and disabled. Torfaen Care and Repair are regarded as a key partner in the development of the Council's brokerage role.

2.5 Vulnerable Homeowners

- 2.5.1 Outside of the designated renewal areas and its commitment to the provision of mandatory Disabled Facilities Grants, Torfaen has endeavoured for some years, through its priority assessment systems, to direct its available resources to properties in very poor condition, occupied by the most vulnerable sectors of the population.
- 2.5.2 The concentration of financial resources has therefore been towards properties, which are regarded, as unfit for human habitation, the elderly, the disabled and those in financial hardship. There have been two main types of grant aid used to support this assistance: Renovation Grants and Home Repair Assistance. Demand for these has been and continues to be extremely high. **Vulnerable homeowners will continue to be the focus for our renewal activities.** In directing assistance towards vulnerable homeowners we will need to be clear how these will be defined. (please refer to paragraph 7.2 for definition of vulnerability)
- 2.5.3 Traditionally vulnerable homeowners are either elderly (over 60): disabled, on low-incomes, single parent families with children under 16 or other families with children under 5. Although these groupings are very generalised and it is the case that not all of these will be without financial resources to maintain their homes, the priority system used in Torfaen has been successful in identifying the most vulnerable households. The Authority will continue to prioritise using the basis of the present arrangements with some minor amendments.

2.6 Fuel Poverty and Energy Efficiency

- 2.6.1 Fuel poverty often affects the most disadvantaged and vulnerable residents in Torfaen. Although no reliable figure exist for the numbers of homes in Torfaen that lack basic insulation and heating, in Wales there are believed to be around 220,000 households living in properties with poor standards of heating and insulation.
- 2.6.2 Torfaen County Borough Council will seek to address the reduction in the potential for fuel poverty by including insulation measures such as loft insulation, hot water tank lagging and double glazing in its specification of grant works.
- 2.6.3 The Council will also work with partners such as Torfaen Care and Repair and the S.E.Wales Energy Efficiency Advice Centre to promote energy efficiency in Torfaen and to advise and assist residents on the availability of Home Energy Efficiency Scheme grants and any other form of assistance that may be available as a result of the Welsh Assembly Government policy.
- 2.6.4 There is a need to investigate our role and commitment to improving energy efficiency and reducing fuel poverty in the County Borough.
- 2.6.5 Legislation, such as the Home Energy Conservation Act 1996 and the Warm Homes and Energy Conservation Act 2000, has set targets for local authorities for improving the energy efficiency of both public and private housing and for the elimination of fuel poverty.
- 2.6.6 It is recognised by the Welsh Assembly Government and also in recent

Communications from the Welsh Local Government Association that local authorities have a major role to play and that many Local Authorities still have a good deal of scope for improving energy efficiency.

2.6.7 The Better Homes Action Plan for Torfaen plan has also recognised the need for the development of a corporate home energy efficiency strategy, and in particular consideration to the appointment of a dedicated Home Energy Efficiency Officer.

2.6.8 Therefore it is proposed that our policy will look at our future role and the possible use of capital funding opportunities for the creation of a dedicated home energy efficiency officer, to drive forward the improvements required under the above legislation.

2.7 Non Vulnerable Homeowners

2.7.1 The Council aims to be as inclusive as possible and therefore non- vulnerable homeowners should also expect to receive assistance. It is unlikely that this will be in the form of grant aid, however advice and information will be provided by the Council through the Housing Renewal Team in the Department for the Environment in order to encourage and assist homeowners to effect the necessary repairs and improvements.

2.8 Application of Means Testing

2.8.1 The Reform Order guidance requires local authorities to have regard to a person's ability to afford making a contribution or repayment in respect of receiving grant aid as well as to ensure that grants carry a positive message about the homeowners' responsibility with regard to maintenance of their property.

- 2.8.2 The Council will therefore continue to apply means testing for all grant assistance that it will provide under the new policies.
- 2.8.3 The present legislatively determined means testing arrangements have some anomalies such as they do not take account of mortgage commitments. Although some local authorities seek to devise their own systems of means testing the Council believes that it would be inequitable to operate one legislatively determined system for Disabled Facilities Grants and another locally determined system for all other grants provided under the new policies.
- 2.8.4 The greatest detriment in operating two systems would be to disabled applicants who are amongst the least able to afford to carry out adaptations from their own resources. **The means testing system operated by the Council will therefore will be the same as the existing legislatively determined arrangements currently applied to Disabled Facilities Grants at the time the application is determined.**

2.9 Torfaen Renovation Grant (TRG)

- 2.9.1 The Council will simplify the awarding of grant assistance with one grant system to residents in Torfaen (outside of Renewal Areas and DFGs). **The Home Repair Assistance and Renovation Grants will be replaced with a single grant, know as the Torfaen Renovation Grant (TRG) This grant will support: -**
- a) the improvement or repair of dwellings, and houses in multiple occupation (GA 1)
 - b) the provision of dwellings or houses in multiple occupation by the conversion of a house or other building
 - c) the provision of facilities for disabled persons where a Disabled Facilities Grant has been approved and the cost of additional works is

over the statutory Disabled Facilities Grant limit, (top-up grant) in dwellings and in the common parts of buildings containing one or more flats (GA 1 and DFG 4)

- d) the acquisition of a similar property in the locality, and relocation of persons where dwellings or houses in multiple occupation are subject to clearance or demolition orders (GA 1) or where the provision of a Disabled Facilities Grant is considered neither reasonable nor practicable (GA 1 and DFG 5) or where the provision of replacement living accommodation will result in similar benefits to the resident to the carrying out of grant aided works but the provision of replacement living accommodation will represent better value for money than repairing, improving or adapting the existing living accommodation.
- e) Thermal Insulation measures to reduce fuel poverty and to meet the Councils commitments under the Home energy Conservation Act (GA1)

2.9.2 No grant aid shall be available for the improvement, repair or relocation of persons, where the premises are a mobile home or houseboat.

2.9.3 Under the present grant system the average renovation grant in Torfaen is currently over £21,500. **It is proposed that the maximum grant level for the new Torfaen Renovation Grant will be £20,000 inclusive of fees and VAT.** This financial limit is aimed at allowing more properties to be repaired and improved to the minimum statutory fitness standard. This limit of £20,000 also enables a degree of flexibility. This may apply, particularly for older persons who under the present system would only be eligible for limited assistance under the Home Repair Assistance Grant. With a single TRG grant there no longer needs to be a compromise between works which the homeowner requires and other works which the authority require in order to safeguard the investment of public funding. For example, many older persons require new roofs and windows on their properties but the Council may also

find that many of these also urgently require rewiring and insulation upgrading. The additional cost of which is likely to be well above the current Home Repair Assistance limit. With a new proposed limit of £20,000 this compromise would not arise and the need for successive grants, as happens under the present system, would be negated. In the longer term this would represent better value for money to the Authority, better use of staff resources and reduce the numbers of statutorily unfit properties in the County Borough.

2.10 Three year Prior Residency Qualification - Priority Assessment Criteria

2.10.1 Based on present evidence, the demand for grant aid is likely to remain high. Eligibility criteria will, therefore need to be clear and a priority assessment system will be required to direct available resources towards the most vulnerable homeowners and those properties that are unfit for habitation.

2.10.2 With some exemptions, i.e. first time buyers, renewal areas and empty property initiatives, Torfaen has operated a three-year prior residence qualification for all grant enquirers. This was originally introduced as a deterrent to abuses of the grant system by speculative purchasers and serial grant applicants who would move from perfectly good properties to unfit properties in order to maximise their eligibility for grant aid. **It is proposed that as at present there should be a requirement that any enquirer (exemptions as above) must live in and own a property for a minimum period of 3 years prior to becoming eligible to register an enquiry for grant aid.**

2.11 Successive Grants -TRG

2.11.1 A number of applicants in Torfaen have received successive grants. Due regard will be given to the appropriateness or otherwise of providing assistance on more than one occasion and the length of time that should elapse

before it would be reasonable to allow a repeat application. **The demand for grant aid in Torfaen is such that at the present time it would be equitable to permit only one grant per applicant. The proposal is therefore to allow one grant per applicant from the date of operation of the new policy. Grants provided under previous grant legislation will not be taken into account.**

2.11.2 Applicants have a primary responsibility to maintain their property after grant funding work has been completed. However, in certain circumstances it may be appropriate (e.g. due to ill health, disability etc) to allow flexibility for homeowners to carry out different grant aided works on the same property over a period of time until the property reaches the statutory fitness standard. In circumstances where it is considered that ill health or disability prevents all eligible works taking place to make a property statutorily fit, a minimum time period of five years should elapse before further grant aid is given.

2.11.3 Successive grants for landlords will not be entertained in relation to the same property. However, where they own more than one property, grant aid will only be considered on additional properties where these meet the authority's strategic aims. (See chapter on landlord assistance).

2.12 Grant Standard -TRG

2.12.1 A primary aim in Torfaen is to use grant aid to reduce the number of unfit properties. **It is therefore appropriate that on completion of grant aided works the property meets the minimum statutory fitness standard.** This should be the case even where additional non-grant aided works are required.

2.13 Repayment of Grant Aid and Conditions of Occupation -TRG

2.13.1 Currently a general condition of grant aid is that the recipient or other qualifying individual remains in the property for a minimum of 5 years (owner

occupier) or that the property remains available for letting for 5 years (landlords). After this period known as the protected period the property may be sold with no claw back of grant.

2.13.2 For the majority of owner-occupier applicants this has had no beneficial effects as they have remained in the property for this period and for many years after. There are a few, however, who have benefited from the increase in property value which would not have been possible without considerable public funding through the grant system.

2.13.3 In order to ensure that the responsibilities of homeowners are properly emphasised, the protected period will continue to apply for a period of 5 years after the certified date of completion of TRG work, and repayment demanded as a matter of course when a sale takes place during this time (except continuing to allow for exceptional circumstances).

2.13.4 Full details of grant conditions are laid out in the appendices. Maximum discretion is available to the Council to require partial or no repayment where this might be appropriate.

2.13.5 The conditions of occupation for landlords will be extended to a period of 7 years in order to ensure that the Council receives maximum benefit for public monies expended in meeting the Council's strategic housing aims. (Please refer to chapter on Landlord Grants).

2.13.6 All conditions will be secured against the property by way of a legal charge and registered with the Land Registry or the Land Charges Registry. For the purpose of registering a charge a fee will be charged which will be fully covered by grant aid.

2.13.7 Any breach of conditions will require the repayment of assistance in full, subject to the conditions detailed in the appendix and the discretion available to the Council.

2.14 Grant Aid Subject to the Availability of Funding

2.14.1 All grant aid included within this policy document shall be available subject to the restrictions and requirements of the policy and subject to the availability of funding. Where funding is not available or has been utilised or is withdrawn or reallocated for another purpose no grant aid will be made available for any purpose to any applicant

2.14.2 Exceptions to Policy

- The Council's policies are specific about the circumstances in which an application will be considered, how much grant aid it will provide and the conditions that will be applicable to the provision of grant aid. However it will consider each application on its individual merits even if it appears to fall outside the Council's policy.

Therefore where there are exceptional circumstances and where the applicant is able to demonstrate exceptional hardship or provide very strong justification on the basis of need, the Council will give consideration to those circumstances.

- Anyone who feels that their application for grant aid has been refused unfairly or the amount of grant aid and the application of the relevant conditions should be reconsidered because of their particular circumstances will be entitled to a review. In these circumstances the matter will be referred to the Director for the Environment in consultation with the Executive Member for the Environment for a decision.

The Strategy related to the TORFAEN RENOVATION GRANT

- Grant aid will continue to be the main form of assistance in Torfaen; however, other forms of assistance and loans in particular will be investigated and evaluated for future policy development.
- The focus for grant aid will continue to be the elderly and most vulnerable, living in unfit accommodation.
- Priority assessment of eligible enquires will continue to be used in order to direct available resources to those in the greatest need living in unfit dwellings.
- The brokerage role of the authority will be developed and through this homeowners will be encouraged to take responsibility for the repair and improvement of their homes.
- Future grant conditions will be designed to reduce the level of grant dependency and pave the way for the introduction of loans as a sustainable renewal tool.
- The Council will examine its commitment to and future role in the reduction of fuel poverty and improvement of energy efficiency in the County Borough. Particular consideration will be given to the use of capital funding for the appointment of a dedicated home energy efficiency officer.

Policies related to the Torfaen Renovation Grant

GA1	<p>The Torfaen Renovation Grant (TRG) will be the primary mechanism to deliver grant assistance to private homeowners living outside of the renewal areas and within renewal areas where appropriate. This grant will cover: -</p> <ul style="list-style-type: none"> a) the repair or improvement of dwellings, and houses in multiple occupation b) the provision of dwellings or houses in multiple occupation by the conversion of a house or other building c) the provision of facilities for disabled persons where a Disabled Facilities Grant has been approved and the cost of additional works is over the Disabled Facilities Grant statutory limit (top up grant) in dwellings and in the common parts of buildings containing one or more flats (DFG4) d) the acquisition of a similar property in the locality and the relocation of persons where dwellings or houses in multiple occupation are subject to clearance or demolition orders or where the provision of Disabled Facilities Grant is considered neither reasonable nor practicable (DFG5)
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	<p>e) thermal insulation measures to reduce fuel poverty and to meet the Council's commitment under the Home Energy Conservation Act</p> <p>f) No grant shall be available for the improvement, repair or relocation of persons where the premises are a mobile home or houseboat.</p>
GA2	The Council will utilise the legislatively determined means testing provisions which apply to applicants for Disabled Facilities Grant aid to all grant applicants.
GA3	The maximum eligible expense limit for TRG aid will be set at £20,000 inclusive of any fees and VAT.
GA4	A condition of the Torfaen Renovation Grant will be that on completion of works the property will meet the statutory fitness standard as laid down by section 604 of the Housing Act 1985.
GA5	Exemptions to GA4 may be exercised, at the discretion of the Council in cases of ill health or disability where the Council considers circumstances to be inadvisable to precede with works necessary to comply with the fitness standard. In all such cases an application for exemption will be subject to approval from the Director of the Environment in consultation with the Executive Member for the Environment.
GA6	All enquires for the Torfaen Renovation Grant will be subject to clear eligibility criteria and a priority assessment system. The eligibility criteria and priority assessment system are detailed in section 8 and appendix B.
GA7	The Torfaen Renovation Grant will be available only to owners who satisfy a 3-year prior residence qualification.
GA8	Exemptions to GA7 shall be: - <ul style="list-style-type: none"> • first time buyers; • properties within declared renewal areas • properties subject to empty property initiatives • other strategic initiatives (see chapter on Landlord Grants) and • where a DFG has been approved or it would not be reasonable or practical to adapt the property for a disabled person and relocation would be a more suitable option. (See chapter on Disabled Facilities Grants.)
GA9	One Torfaen Renovation Grant will be allowed per applicant, subject to the exemptions and provisions at the discretion of the Council in cases of ill health or disability where the Council considers circumstances to be inadvisable to precede with works necessary to comply with the fitness standard. In all such cases an application for exemption will be subject to approval from the Director of the Environment in consultation with the Executive Member for the Environment.
GA10	Where an exemption to GA9 is considered appropriate, a minimum time period of five years from the date of completion of the previous grant work must elapse before further Torfaen Renovation Grant aid will be considered. All exemptions will be subject to approval from the Director in consultation with the Executive Member to the Environment.
GA11	It shall be a condition of the Torfaen Renovation Grant aid that the amount of grant

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	will be repaid in full if the property is sold within the protected period i.e. within 5 years of the certified date of completion for owner occupiers and 7 years for landlord grants.
GA12	Conditions and explanations of relevant and exempt disposals are detailed in Appendices B and D
GA13	It shall be a condition of the Torfaen Renovation Grant aid that conditions of future occupancy will apply for a period of 5 years for owner occupiers and for a period of 7 years for landlord applications.
GA14	The conditions of future occupancy are detailed in the Appendix D
GA15	It shall be a condition of the Torfaen Renovation Grant aid that on approval the applicant shall provide evidence that the means tested contribution required from them is available, and that the property is covered by adequate building insurance, or in circumstances where the building is presently uninsurable that full cover will be available on completion of the renovation work.
GA16	It shall be a condition of the Torfaen Renovation Grant aid that the property will be covered by adequate building insurance throughout the total period covered by the conditions of future occupancy.
GA17	In determining the amount of the Torfaen Renovation Grant aid the Council will use an approved schedule of rates to compare the costs of eligible works.
GA18	All eligible works will be subject to a tender process in accordance with the Council s Standing Orders.
GA19	It shall be a condition of the Torfaen Renovation Grant aid that the Council s in house grant agency will be used and that on approval applicants will enter into a contract with the Council s in house grant agency.
GA20	The Council s grant agency will charge grant applicants a maximum fee of 12% of the cost of works inclusive of any ancillary fees in relation to the performance of their agency duties and those fees will be eligible for TRG aid subject to the maximum eligible expense limit in GA2.
GA21	It shall be a requirement that the Torfaen Renovation Grant aid will be repaid in full in the event of any breach of condition specified in GA13, GA14, GA15, GA16, and GA19 subject to the discretion of the Council.
GA22	The Council will provide the Torfaen Renovation Grant aid to enable a property to be rendered fit for human habitation in accordance with Section 604 of the Housing Act 1985. Any works over and above this standard will not be eligible for the Torfaen Renovation Grant aid.
GA23	The provision of the Torfaen Renovation Grant aid will be subject to a most satisfactory course of action determination as prescribed in and annexe G to the guidance on the Regulatory Reform Order.
GA24	To be eligible for grant aid a dwelling (with the exception of top up to DFG s and relocation of a disabled applicant) must have been constructed or provided by conversion a minimum of 20 years prior to the date of application or in the case of a conversion grant (i.e. conversion of a building into a dwelling) the building must have been constructed prior to 1 st January 1980.

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GA25	The Council will examine its future role in and commitment to reducing fuel poverty and improving energy efficiency together with the possible use of capital funding opportunities for the creation of a dedicated home energy efficiency officer, to drive forward the improvements required under the recent legislation.
GA26	The Council will consider each application on its individual merits even if it appears to fall outside the Council's policy. Such applications will only be considered where the applicant is able to demonstrate exceptional hardship or provide very strong justification on the basis of need.
GA27	Anyone who feels that their application for grant aid has been refused unfairly will be entitled to a review and in these circumstances the matter will be referred to the Director for the Environment in consultation with the Executive Member for the Environment for a decision.
GA28	All conditions will be secured against the property by way of a legal charge and registered with the Land Registry or the Land Charges Registry. For the purpose of registering a charge a fee will be charged which will be fully covered by grant aid. The Council will reserve the right to charge a reasonable fee where an application for postponement is made in relation to a charge levied for TRG purposes.

3 Loans

In order to inform Torfaen's Private Housing Renewal Strategy and Policy the opportunity to use loans as opposed to grant assistance has been explored and the issues are set out in this section.

3.1 Loan Assistance

3.1.1 The Regulatory Reform Order enables local authorities to provide financial assistance other than grants. One of these types of financial assistance is the use of loans. Loans have not been a traditional source of funding for housing renewal. However with the greater freedoms given to local authorities to determine their private housing strategies, it is likely that loan aid, over time, may allow more homeowners to be assisted, and that it may be more appropriate to offer loans to some homeowners. The following summary is made of the loan types, issues related to current loan assistance and mechanisms for implementing loan schemes. Torfaen County Borough Council will not offer loans as part of its Private Housing Strategy in the immediate future, but will continue to review loans as an option for providing financial assistance for the future.

3.2 Loan types

3.2.1 The principal categories of loan products that could be available are:-

- **Interest bearing repayment loans**- conventional loans, either secured or unsecured, with interest charged at the market rate and repayable over a period of time or at a preferential interest rate.
- **Interest only loans** — Conventional loans where the borrower only pays the interest charge. The capital is repaid usually on sale of the property.
- **Equity release loans** — A conventional loan, usually registered as a land charge. No interest is repaid. The capital is repaid usually on the sale of the property.

3.3 Issues

3.3.1 Commercial lenders already provide loans for repairs and improvements. In 1996 it was estimated that around £12.4 billion was spent annually on home improvements. (Cannon, J (1997)) The Private Home Improvement Market in Great Britain). This figure is now likely to be in excess of £15 billion a year. However, much of this is to upgrade facilities or improve homes that are in good repair. There is relatively little use of borrowing for basic repairs. One problem is that some households find normal commercial loans difficult or expensive to access for the following reasons: -

- Low-income households have difficulty in satisfying lenders about credit-worthiness and affording payments.
- Set up costs associated with a new secured loan (valuation fees and solicitor s fees) can be a serious deterrent when the amount borrowed is relatively small.
- The requirements of the Consumer Credit Act which apply to new secured loans for housing repair/improvements of less than £25,000 (unless topping up an existing mortgage) are a deterrent to some commercial lenders entering the market.
- Client groups such as older people are sometimes regarded as time consuming - and thus less profitable - by commercial lenders.
- Small loans are less profitable to lenders than larger ones.
- People on low incomes who lack the capacity to meet the costs of a repayment loan are also likely to experience problems.
- Some properties may be low-value and therefore not represent good security for a loan.

3.4 Making loans more accessible

3.4.1 The aim of the Regulatory Reform Order is not to replace commercial lenders but to make loans more attractive and accessible to those who would be unlikely to obtain a normal commercial loan. However, the development of new loan mechanisms has to date, proved difficult and time-consuming. There

are however examples of successful products which local authorities can adapt directly or organisations that they can approach to provide accessible loans on their behalf.

3.5. Providing Loan Finance

3.5.1 Torfaen County Borough Council may consider providing loans by working with third parties i.e.: -

- **Working with commercial lenders**- this could range from direct financial contributions towards the cost of administering loans, to offering loans, guarantees or indemnities.
- **Working with special purpose financial vehicles** — local authorities, or a group of local authorities could establish or support a special body deigned to administer not for profit schemes of financial assistance for housing renewal. E.g. Aston Reinvestment Trust.
- **Working with registered social landlords** — there may be scope for local authorities to work together with RSL s to develop grant and loan packages to private homeowners.

3.5.2 With regard to these approaches, the Council will have the advantage of specialist expertise and the possibility of attracting additional funds from the private sector and so be able to generate more financial leverage than is possible if the Council administers a loan fund itself. For example, the Aston Reinvestment Trust receives £250,000 from Birmingham City Council as capital funding and is able to attract a further £1,000,000 from commercial lenders.

3.5.3 In Wales agencies such as **Care and Repair Cymru** may be best placed to assist Local Authorities in the provision of loans as they have local agencies in each local authority area and have close links with major lending organisations in the Principality.

3.6 Loans and Grants

Torfaen County Borough Council may wish to offer a combination of grant and loan to assist with housing renewal.

For example: -

- Small Grants to subsidise someone to access a loan. (i.e. payment of loan charges)
- Loans to help someone who is required to make a financial contribution under the test of resources for mandatory disabled facilities grant.
- In-group repair schemes, grants for external repairs, as is the case now and loan assistance for internal works.
- Where an authority is supporting the provision of replacement accommodation outside a clearance area then a package of grant, mortgage assistance and equity charge on the new property could be considered.

3.7 Loan Administration

3.7.1 Local authorities must comply with all aspects of consumer credit regulation and guidance. Where loans are being offered, especially if the local authority is working jointly with another agency to promote any loans or equity release scheme, the applicant should be strongly advised to consult an independent financial advisor.

3.7.2 The order also requires local authorities to satisfy themselves that recipients have received appropriate advice or information on any obligations arising from the assistance. This applies whether the local authority is providing the assistance directly or through third parties.

3.8 Conclusions

3.8.1 Developing accessible loans represents a major part of the government's new policy for private sector renewal, but there are major challenges facing the practical implementation of this policy. The greater freedom provided by the

Order, allowing local authorities to provide accessible loans is however welcome. Torfaen County Borough Council will review the position on using loans as part of its Private Housing Strategy. However the Council believes that it needs to have more time to judge the scale of the demand for accessible loans for repair from those living in poor condition housing. It is understood that successful initiatives have taken many years to develop and the experience of specialists such as the Aston Reinvestment Trust shows that few loans have been made to date.

- 3.8.2 Torfaen County Borough Council will investigate the options of providing accessible loans or supporting other organisations in providing this service. There are compelling reasons for using specialist organisations with existing expertise, and who are able to lever in additional capital from the private sector. The process of setting up a new lending body and developing a range of loan products is complex and challenging, as is the process for securing approval for innovative forms of loan, such as equity share loans that might be the key to unlock investment by those who cannot afford conventional loan payments.
- 3.8.3 The process of securing capital is also difficult. Although some local authority involvement in the provision of capital or guarantees and indemnities will remain essential, the aim should be to involve the commercial banks and building societies in the provision of funds for onward lending. Some smaller building societies which have a strong affinity with a local area may be willing to deal directly with individuals in the provision of loans, and with individual local authorities, housing associations, charities and home improvement agencies in the negotiation of funding. Large societies and banks are more likely to want to lend capital in bulk under centralised arrangements.

3.8.4 Torfaen will not, and neither will most other Welsh authorities, be in a position to immediately offer accessible loans as part of its new private sector housing renewal policy.

3.8.5 Considerable effort needs to be made in the development of suitable accessible loan products and it may be that this will only be feasible through a single lending institution covering Wales. In Wales, unlike England, a culture of housing grants provision has been established over several decades. This has resulted from the considerable success that the WAG has achieved in maintaining high levels of grant funding for Welsh Authorities and the proficiency of Welsh authorities in utilising the funding provision. Over time accessible loans could play an important part in the renewal policy for Torfaen and therefore future policy reviews should continue to monitor and assess the feasibility of loan provision. However, for the immediate policy proposals accessible loan provision does not appear to be a viable proposition.

Summary of the Strategy related to Loans

- Torfaen County Borough Council will investigate the option of providing assistance through the provision of accessible loans with a view to their application in Torfaen's future private sector renewal policies.

4 Assistance to Private Landlords

4.1 Introduction

- 4.1.1 Torfaen has an existing policy of not providing grants to private landlords except where it is necessary to secure strategic objectives. This is based on the assumption that landlords operate a business in which they have a duty to make sufficient investments to ensure that the product offered, i.e. accommodation meets required statutory standards. However, the Council recognises that many of the properties in poor physical condition and many residents suffering from fuel poverty are in the private rented sector.
- 4.1.2 In Torfaen, the proportion of privately rented accommodation in the housing stock is relatively low, at less than 3%. The private rented sector nevertheless provides an important source of temporary accommodation, although it also contributes towards homelessness.
- 4.1.3 The national proportion of homeless acceptances caused mainly by the termination of an assured short-hold tenancy rose from 9 per cent in 1992-1993 to 15% in 2000-2001 (Housing Corporation web site).
- 4.1.4 In Torfaen the level of homelessness is rising in part due to additional legislative responsibilities on Local Authorities. However there is also a noticeable increase in the level of single homeless people in the County Borough, which has more than doubled since the first quarter of 2000.
- 4.1.5 These factors have forced the Homelessness Section of the Housing Department to utilise other accommodation both within and outside the County Borough such as bed and breakfast, as the Council's existing hostel provision is inadequate to meet these increasing demands. This is not wholly appropriate accommodation and the Housing Department has to cover the cost of this accommodation - approximately £20 per person per night, which is placing a significant burden on the Housing Revenue account. There is

therefore a need to examine this in greater detail and to develop a wide range of temporary accommodation options suitable to the needs of the individuals.

- 4.1.6 Recent studies carried out in London have shown that properties owned by small landlords are more likely to be unfit than portfolio holdings. Many of the landlords in Torfaen are not professional landlords and do not have the access to the advice and training on property management available to organisations with larger portfolios.
- 4.1.7 Enforcement action is unlikely to have much effect on this group of landlords unless it comes with a system of support, information and advice. (See Chapter 13 and appendix F on Enforcement policies in Torfaen).
- 4.1.8 Authorities need to be proactive in encouraging landlords to improve the quality of their properties.

4.2 Landlord Accreditation Scheme

- 4.2.1 The growing importance of the private rented sector is recognised by the government, local authorities and other agencies concerned with meeting housing needs (The Governments Housing Policy Statement The Way Forward for Housing December 2000). Also the UK Government Green Paper Quality and Choice: A Decent Home for All (DETR, April 2000) and the National Assembly for Wales consultation paper Better Homes for People in Wales (July 2001) contained proposals to promote a healthy private rented sector by taking steps to retain good, well intentioned landlords and help them raise standards further.
- 4.2.2 Local authorities are beginning to develop closer working relationships with private landlords, enabling them to provide support to landlords and to raise the standards of management and property condition for the benefit of existing and potential tenants. Landlord accreditation schemes are playing an important

part as the main mechanism for raising standards in the private rented sector. For landlords it can provide better access to information on their obligations and rights in relation to tenants and help in dealing with any problems that arise with tenants and properties.

4.2.3 Increasingly local authorities and landlords are coming together to set up a voluntary accreditation scheme for the private rented sector. Although there is no standard model the key features of accreditation schemes are:

- They are voluntary - landlords agreeing to join, rather than being obligated to and are closely involved in establishing and running schemes.
- There is a set of standards relating to management and property condition to which accredited properties and landlords must adhere.
- The scheme is administered by the local authority, which checks that the standards are met.
- There are incentives to membership such as access to information and advice, advertising of accredited properties or assistance with the cost of improvement works.

4.3 Landlord Forum

4.3.1 An inaugural meeting of a Landlord s Forum has taken place in Torfaen where the consensus at the forum was that continuation of dialogue between the Authority and landlords would be in the best interest of both sides. A number of key issues were raised which will be discussed at future forum meetings, amongst these was the question of an accredited landlord scheme in Torfaen.

Summary of the Strategy related to PRIVATE LANDLORDS

- Assistance to private landlords will be restricted to measures necessary to meet the Council s strategic initiatives.
- The Landlord Forum will provide the focus for the development of closer working relationships between the Council and private landlords.
- The Council will work with the Landlord Forum to develop an accredited landlord scheme in Torfaen.

Private Sector Housing Renewal Policy — PRIVATE LANDLORDS

LLG1	<p>The Council will consider TRG and Group Repair assistance to Private Landlords only in the context of the Authority's strategic aims and initiatives i.e.</p> <ul style="list-style-type: none"> • the repair of privately tenanted properties within a Group Repair Scheme; • returning long-term vacant properties (more than 6 months) into use within designated Renewal Areas or other areas where the need for private rented accommodation is established; • provision of fire precautions in houses in multiple occupation; • provision of accommodation for homeless persons; • assistance to landlords who participate in the accreditation scheme to enable them to comply with additional standards of the accreditation scheme over and above the minimum statutory standards, including the provision of thermal insulation measures to reduce fuel poverty and to meet the Council's commitments under the Home Energy Conservation Act.
LLG2	<p>The Council will exercise its discretion in determining the amount of grant or loans in respect of landlord applications. Each of the following factors will provide the basis for determining the grant percentage as follows:</p> <ul style="list-style-type: none"> • participation in the accreditation scheme when operable — 5% • rent levels (not more than housing benefit levels) — 5% • Local Authority nomination rights — 5% • age of the property (pre 1945) — 5% • minimum length of tenancy (not less than 2 years) — 5% • the contribution to strategic initiatives — 25% or 50% in renewal areas.
LLG3	<p>The Council will use the Torfaen Renovation Grant where applicable to assist eligible landlords under the following conditions: -</p> <ul style="list-style-type: none"> • The amount of assistance within the renewal areas will not exceed 75% of the total value of the eligible work and will be restricted to a maximum of £10,000. • In all other cases the amount of assistance will not exceed a maximum of 50% of the cost of the eligible work and will be restricted to a maximum of £10,000. • In all cases the amount of grant aid provided will be the minimum amount necessary for the project to proceed.
LLG4	<p>The Council will use the Group Repair Scheme where applicable to assist eligible landlords under the following conditions</p> <ul style="list-style-type: none"> • The amount of assistance within the renewal areas will be 75% of the cost of the eligible work and will be restricted to a maximum of £15,000. • In all other cases the amount of assistance will be 50% of the cost of the eligible work and will be restricted to a maximum of £10,000.

Private Sector Housing Renewal Policy — PRIVATE LANDLORDS

LLG5	All recommendations in respect of landlord Grants will be subject to the approval of the Director of the Environment in consultation with the Executive Member for the Environment.
LLG6	All grants to private landlords will be subject to the provisions of policies GA1, GA3, GA4, GA5, GA8, GA11, GA12, GA13, GA14, GA15, GA16, GA17, GA18, GA19, GA20, GA21, GA22, GA23, GA24, GA25, GA26, GA27, GA28, GR1, GR2, GR3, GR4, GR5, GR6, GR7, GR8, GR9, GR10, GR11, GR12, GR13, GR14, GR15, GR16, GR17, GR18, GR19 and GR20.

5. Disabled Facilities Grants (DFGS)

5.1 The Regulatory Reform (Housing Assistance) (England and Wales)

Order 2002 makes minor changes to the provisions in relation to Disabled Facilities Grants, but the system for providing mandatory Disabled Facilities Grants remains largely unchanged. From 18 July 2003, the order makes two changes to Disabled Facilities Grants: -

- It extends mandatory Disabled Facilities Grant eligibility to those occupying park homes and houseboats; and
- It removes the power to give discretionary Disabled Facilities Grants.

5.2 Works Eligible for Mandatory Grant

5.2.1 (a) Facilitating Access and Provision

These include works to remove or help overcome any obstacles which prevent the disabled person from moving freely into and around the dwelling and enjoying the use of the dwelling and the facilities or amenities within it. In particular:

- Facilitating access to and from the dwelling or the building in which the dwelling or, as the case maybe, flat is situated.

- Facilitating access to a room used or useable as the principal family room.
- Facilitating access to a room used or useable for sleeping, or alternatively providing such a room for the disabled occupant.
- Facilitating access to a room in which there is a lavatory, a bath or shower (or both) and a wash hand basin or providing a room in which there is such a facility or facilities.
- Facilities for the preparation and cooking of food.

5.2.2 (b) *Making a Dwelling or Building Safe*

Grants can be given to make a building or dwelling safe for the disabled person and other persons residing with them. This is intended for adaptations designed to minimise the risk where a disabled person has behavioural problems which causes them to act in boisterous or violent manner which may put themselves and other family members in danger.

For those with sensory impairment, an enhanced alarm system, which may be required to provide improved safety in connection with the use of cooking facilities, or works to provide means of escape from a dwelling or building would also qualify for mandatory grant.

5.2.3 (c) *Room Usable for Sleeping*

The provision of a room useable for sleeping would qualify for mandatory grant if the authority were satisfied that the adaptation of an existing room or access to that room is unsuitable.

5.2.4 (d) *Bathroom*

Mandatory grant should be given to provide a disabled person with a wash hand basin, a WC and shower or bath (or if more appropriate, both a shower and a bath).

5.2.5 (e) *Facilitating Preparation and Cooking of Food*

Eligible works include the rearrangement or enlargement of a kitchen, to ease manoeuvrability of a wheelchair and specially adapted storage units, gas, and electricity and plumbing installations, to enable the disabled person to use these facilities independently.

5.2.6 (f) *Heating, Lighting and Power*

Works would include the improvement of an existing heating system in the dwelling to meet the disabled occupant's needs. Where there is no heating system or the existing system is unsuitable to meet the needs of the disabled occupant, a heating system may be provided. Works may also be undertaken to enable a disabled person to have full use of heating, lighting and power controls in a dwelling.

5.2.7 (g) *Dependent Resident*

Mandatory grant is available for works to a dwelling to enable a disabled occupant better access and movement around the dwelling in order to care for another person who normally resides there, whether or not they are related to the disabled person. This may include another disabled person or a child but the dependent being cared for need not be disabled.

5.2.8 (h) *Common Parts*

Disabled Facilities Grant is also intended to assist towards works not only to dwellings but also to common parts of building such as flats, where the disabled person is the occupant of one of the flats.

5.2.9 In Torfaen Disabled Facilities Grants have only been used for mandatory purposes. On the very few occasions that a discretionary Disabled Facilities Grant has been awarded, it has been to carry out mandatory type works where the total cost of works has been above the mandatory Disabled Facilities Grant limit (formerly £24,000 now increased to £30,000).

5.3 Collaboration and Consultation

- 5.3.1 The Housing Grants, Construction and Regeneration Act 1996 places a duty on housing authorities to consult Social Services on the adaptation needs of disabled persons seeking help through Disabled Facilities Grants. Since all local authorities in Wales have responsibilities for both Housing and Social Services the relevant departments must be consulted and liase closely. The respective roles of Departments within the unitary authority will be more clearly defined to ensure that the respective responsibilities are properly met.
- 5.3.2 In most cases the assessment of the needs of a disabled person will be provided by an Occupational Therapist (O.T.), as is the case in Torfaen.
- 5.3.3 The priorities and demands being made on both the Housing Renewal Section of the Department for the Environment and Social Services Departments (particularly for OT assessments) can cause delays and result in the adaptation needs of disabled people not being met in a sufficient manner.
- 5.3.4 Torfaen County Borough Council is concerned that adaptations of an urgent nature are suffering undue delay, may wish to consider allowing Occupational Therapists outside the Council s direct employment to carry out assessments, e.g. Occupational Therapists employed by the Torfaen Care and Repair Home Improvement Agency.

5.4 Improving the Service

- 5.4.1 The Housing Renewal Team will continuously seek to improve the Disabled Facility Grant service by:
- **Continuing with joint visits** where adaptations to be provided are likely to be complex with a high level of technical input.

- **Adopting joint training opportunities** which helps everyone to gain a clear understanding of each others responsibilities and problems and therefore fosters good working relationships.
- **Producing well documented Policies and Procedures** on processing grant applications.
- **Continuing to hold regular liaison meetings** between staff from neighbouring local authorities to discuss problems arising and possible solutions for dealing with them.
- Working towards implementing **common data systems and local authority registers** of adapted homes and of people looking for properties. Torfaen is looking to develop a register of adapted Council properties and extend the register to include adapted local RSL properties.

5.5 Prioritising Demand for Disabled Facilities Grants

5.5.1 Torfaen already has a system for prioritising applications according to need and operates a fast-track approach to emergency cases where there is a need to provide adaptations as early as possible.

Occupational Therapy Categories for assessment priority: -

Category A

- terminally ill;
- hospital discharge where intervention is essential;
- high level manual handling risk assessments

Category B

- mobility problems re: assessing essential facilities, difficulties on stairs;
- problems accessing property;
- medical need to bathe;
- daily living activities re dressing/ meals
- Housing Department request to consider accommodation needs

Category C

- Non medical need to bathe;
- Secondary access to garden;
- Minor adaptations

5.6 Adaptations to Properties that are Unfit for Habitation

5.6.1 Local authorities can, in suitable cases, determine an application for Disabled Facilities Grant even where on completion the property is unfit for habitation. Where it is found that a property is unfit to the extent that it would clearly be unreasonable and impractical to proceed with the proposed adaptations, local authorities should consider an alternative solution in determining the most appropriate course of action.

Such consideration might include: -

- Suggesting that the disabled occupant apply for grant assistance to make the property fit. This would require an amendment to the grant aid priority assessment system in Torfaen to allow immediate priority to Disabled Facility Grants applicants
- Considering whether a reduced level of adaptations to the property, which would satisfy the needs of the disabled occupant and also satisfy the practical consideration, would be appropriate.
- Considering, with the disabled person, re-housing to more suitably adapted accommodation in the locality, especially if the disabled person expresses such a preference.

5.7 Age and Condition of Property

5.7.1 Although there is no minimum age limit for properties subject to a Disabled Facilities Grant application, there are nevertheless a number of factors which the council will need to have regard to in deciding whether it is reasonable and practicable to carry out adaptations. Clearly these are:

- The architectural and structural characteristics of the dwelling may render certain types of adaptation inappropriate.

- The practicalities of carrying out adaptations to smaller properties with narrow doorways, halls, and passages, which might make wheelchair, use in and around the dwelling difficult.
- Conservation considerations and planning constraints may prevent certain types of adaptations being carried out. In Torfaen there has been considerable planning problems associated with the installation of external lifts and the adaptation of listed buildings.
- The practicalities of carrying out adaptations to older properties with difficult or limited access e.g. steep flights of steps making access for wheelchair use difficult and therefore making continued occupation of the dwelling open to question. This is a particular problem in Torfaen where many houses are built on steep and sloping sites.
- The impact on other occupants of proposed works, which will reduce or limit the existing facilities or amenities in the dwelling.

5.8 Insurance and Legal Claims

- 5.8.1 Local authorities may, with the consent of the Welsh Assembly Government, impose a condition to a Disabled Facilities Grant approval requiring the applicant to take reasonable steps to pursue a legal claim for damages, in which the cost of the works to the premises to which the grant relates is part of the claim. There may be cases where there is an urgent need to undertake works to meet the needs of a disabled person and where grant assistance could be sought.
- 5.8.2 The Welsh Assembly Government believes that it may be appropriate to give grant aid to ensure that works are completed at the earliest opportunity. However, where subsequently the grant applicant receives a payment on an insurance or damages claim in respect of the grant aided works, then they should repay to the Authority the grant, so far as is appropriate, out of the proceeds of any claim.

5.8.3 Where insurance claims have been made and payment received in advance of grant applications a local authority will need to consider whether it would be appropriate to give grant aid.

5.9 Recovery of Equipment

5.9.1 Torfaen County Borough Council may impose conditions in respect of specialised equipment such as a stairlift, that it be recovered by the local authority where it is no longer required. Where it is clear that the equipment will not be reused because of age or condition, a local authority may decide to waive their right to recovery.

5.10 Discretionary Assistance for Disabled Facilities and Adaptations

5.10.1 Although Discretionary Disabled Facilities Grants will no longer be available from 18 July 2003, authorities may provide discretionary assistance, in any form (e.g. grants, loans) for adaptations or to help the occupant move to alternative living accommodation.

5.10.2 In practice Torfaen had provided very few Discretionary Disabled Facilities Grants and those that it has approved have been for the mandatory purposes as detailed above.

5.10.3 The authority will continue to provide top-up grants to Disabled Facilities Grants where the eligible mandatory works are higher than the grant limit, as is the existing policy in Torfaen. (Policy GA1).

5.10.4 Discretionary assistance through Torfaen Renovation Grant will also be provided to enable a disabled person to acquire and move to a more suitable property where it would be more cost effective than adapting the current home, even though the new property may require some adaptation. (Policy GA1).

5.10.5 Re-housing options include trying to identify and offer suitable accommodation in the rented sector. All re-housing options will be discussed with the disabled person and others concerned, including Social Services and health professionals, family and friends. Independent advice will be available through Torfaen Care and Repair Home Improvement Agency.

Summary of the Strategy related to DISABLED FACILITY GRANTS

- As the legislation relating to Disabled Facilities Grants remains largely unchanged, the Council will continue to provide its existing service. This service will include existing methods of prioritising enquiries as outlined in paragraph 5.5 according to a needs assessment, fast tracking enquiries where there is a need to provide adaptations for emergencies and to provide discretionary grants where additional assistance is required.
- Policy, procedures and good practice will be reviewed annually in order to maintain and improve the service, in particular, ensuring that the assessment process is carried out with a minimum of delay.
- A comprehensive register of adapted properties will be set up and maintained in order to make best use of existing provision found in Council stock.
- Consultation with planning and conservation officers will take place to draw up criteria in relation to the provision of adaptations in conservation areas, provision of adaptations in listed buildings; provision of external lifts to dwellings in the County Borough; and provision of adaptations to other dwellings of significant architectural importance.

Private Housing Renewal Policy — Disabled Facility Grants

<u>DFG1</u>	The Council will deliver the Disabled Facilities Grant using its present procedures and systems as outlined in chapter 6. This will include the prioritisation of enquiries according to an assessment of needs by the Council's Occupational Therapist and fast-tracking in appropriate cases.
<u>DFG2</u>	The Council will extend the type of accommodation eligible for DFG to include disabled occupants in park homes and houseboats from 18 July 2003.
<u>DFG3</u>	The Council's conditions regarding the awarding of Disabled Facility Grants will include the following: - <ul style="list-style-type: none"> • The pursuance of insurance and legal claims by applicants in appropriate circumstances <u>—the repayment of grant aid will be required where the claim relates to items covered by the grant which will be secured by means of a legal charge</u>; and • The recovery of specialist equipment by the Council when appropriate and advantageous to do so.
<u>DFG4</u>	The Council will offer disabled applicants living in unfit accommodation the opportunity to apply for additional Torfaen Renovation Grant assistance in relation to the works required to make the property fit for habitation. This offer will be made at the same time as a Disabled Facilities Grant is considered and will be irrespective of a priority assessment for Torfaen Renovation Grant aid and be subject to the same terms and conditions as all other grant applications including the test of resources requirements. (Please refer to policies GA1 to GA26 and section on priority assessment system). All grant aid offered will be subject to funding being available.
<u>DFG5</u>	The Council will provide top up Torfaen Renovation Grant aid where the Disabled Facilities Grant works are over the maximum limit of £30,000 subject to: - <ul style="list-style-type: none"> • The works being reasonable and practicable. • The works being of a mandatory nature. • <u>Funding being available</u>
<u>DFG6</u>	The Council will provide Torfaen Renovation Grant aid, in appropriate and suitable cases, to enable a disabled person whose application for Disabled Facilities Grant is being processed to <u>acquire and</u> move to suitable accommodation where: - <ul style="list-style-type: none"> • The disabled person is in agreement • It is more cost effective to do so than to adapt the current home, even where further adaptation is necessary in the new accommodation • <u>Subject to the availability of funding</u>
<u>DFG7</u>	In relation to policies Disabled Facilities Grant 5 and Disabled Facilities Grant 6 any assistance will be subject to agreement by the Director for the Environment in consultation with the Executive Member for the Environment.

6 Area Initiatives

6.1 Renewal Areas

- 6.1.1 For the past five years Torfaen County Borough Council has pursued a strategy of moving away from individual grant aided assistance to a more holistic area based approach. The mechanism to enable this approach to be taken has been the initiation of neighbourhood renewal assessments and the subsequent declaration of renewal areas. These renewal areas in Blaenavon, Abersychan and Pontypool contain high concentrations of unfit properties where the available financial resources and other social factors have limited the ability of owners to carry out essential repairs and improvements.
- 6.1.2 Evidence to date is that these renewal areas have complemented other strategic initiatives and made a substantial contribution to the overall regeneration of the County Borough.
- 6.1.3 The Government has recently made changes to legislation relating to renewal areas. However, for the two renewal areas of Blaenavon and Abersychan, declared prior to the 18 July 2002, these can continue to operate under the terms of existing legislation for the remainder of the renewal area period i.e. until 2009. New renewal areas, such as Pontypool must operate under the amended terms of the 1989 Act (in accordance with article 14 and schedule 5 of the Order).

6.2 Group Repair Schemes

- 6.2.1 The Council has successfully undertaken Group Repair schemes both inside and outside renewal areas, for a number of years. Group repairs of the older, mainly terraced housing stock have been an important component of area-based initiatives of the Council. The object of group repair schemes has been to improve the external fabric of a group of properties to enhance an area, maintain homes and ensure that they are structurally stable.

- 6.2.2 This approach of repairing a group of properties has advantages in terms of economies of scale, bringing about a greater impact to an area and encouraging owners to carry out further investment in their properties.
- 6.2.3 Group repair schemes can however be difficult to implement because of extensive preliminary investigation and lengthy lead in times. For these and other reasons many local authorities have failed to make the group repair approach work in their areas. However the Council has been successful and can therefore claim an area of expertise in relation to group repair implementation.
- 6.2.4 At present group repair schemes are confined to renewal areas where complementary environmental improvement works have enhanced the overall effect. Group repair is well suited to Torfaen's renewal areas where the housing stock is particularly poor. The residents are mainly owner-occupiers, many with limited financial means, and the properties are arranged mainly in terraces familiar to many parts of the South Wales valleys.
- 6.2.5 The Co-ordinated group repair approach has worked effectively so far in our renewal areas, however, there is much more to do. Both Blaenavon and Abersychan renewal areas are only in their 4th year of existence out of a potential 10-year life span with Pontypool beginning in 2003.
- 6.2.6 Further renewal areas would undoubtedly lend themselves to a similar sustained group repair programme with the resultant benefits of regeneration. A further house condition survey is proposed in 2004/05. This will be used to inform future policy proposals and for the identification of potential neighbourhood renewal assessment studies. These in turn may lead to the future declaration of new renewal areas within the County Borough. Renewal Areas are themselves a key component of the area initiative proposals in the document, and therefore the potential for declaration of new areas remains a

high priority within the strategy. **Torfaen will therefore continue to provide group repair assistance within renewal areas and outside the areas where appropriate.**

- 6.2.7 The existing legislative framework with some minor amendment is to be retained within Torfaen as the basis of the provision of group repair. This would have the benefit of ensuring consistency within the renewal areas and equity to residents who have not yet been invited to participate in a group scheme. Therefore similar requirements concerning grant conditions and residents contributions will apply.

6.3 Standing Orders

- 6.3.1 The nature of group repair schemes is that some residents do not initially participate, but subsequently change their minds when work to their neighbours property is underway. The Council's Standing Order policy does not easily allow amendments to existing contracts by the addition or omission of properties even where original rates and specifications apply. The re-tendering of phases within schemes has not proved to be cost effective either to residents or to the Council and has unnecessarily prolonged renovation works.

- 6.3.2 The Council will investigate feasible options to be able to take account of additions or omissions of properties that will satisfy audit and financial checks.**

6.4 Designation of Core Properties for Enveloping

- 6.4.1 Despite the success of Torfaen's group approach there are within each renewal area small pockets of properties, some of which are in mixed commercial and residential use, in key positions where the conventional group repair approach will not succeed. These are relatively small numbers of properties in the town

core areas, many of which have been vacant for some time, where conventional group repair would not result in their rehabilitation due mainly to the extent of renovation required and the financial limitations of owners. With these long-term problematic properties a far more radical and pragmatic approach is needed in order to make a strategic impact on the overall regeneration in the area.

- 6.4.5 The Council will designate selected properties within the renewal areas with a view to funding 100% of the enveloping works i.e. the renovation of the exterior fabric of the building, which together with a collaborative approach with local RSLs and private landlords should bring about a more comprehensive and co-ordinated improvement and maximise the overall impact.

Exceptions to Policy

The Council's policies are specific about the circumstances in which an application will be considered, how much grant aid it will provide and the conditions that will be applicable to the provision of grant aid. However it will consider each application on its individual merits even if it appears to fall outside the Council's policy.

Therefore where there are exceptional circumstances and where the applicant is able to demonstrate exceptional hardship or provide very strong justification on the basis of need, the Council will give consideration to those circumstances.

Anyone who feels that their application for grant aid has been refused unfairly or the amount of grant aid and the application of the relevant conditions should be reconsidered because of their particular circumstances will be entitled to a review. In these circumstances the matter will be referred to the Director for the Environment in consultation with the Executive Member for the Environment for a decision.

Summary of the Strategy related to RENEWAL AREAS

- Torfaen will continue to take an area-based approach to the renewal of its private housing stock.
- Further neighbourhood renewal assessment studies and consideration of declaration of renewal areas will be a key element in this approach. The use of group repair will continue to be the main tool within these areas.
- Apart from some modification, the existing legislation will form the basis for future group repair activity in Torfaen. This will ensure an element of consistency, particularly in areas where group repair is part of an on going programme.
- Existing contract standing orders will be examined closely to ensure that there is sufficient flexibility and maximise the resources available for group repair activities.
- Torfaen will seek to designate core properties within its renewal areas with the view to carrying out 100% funded enveloping projects.

Private Sector Housing Renewal Policy — AREA INITIATIVES

GR1	Group repair schemes in Torfaen will be undertaken in accordance with the guidance provided in National Assembly for Wales circular 20/02. (Appendices to this document should be read in conjunction with the policy statements.)
GR2	The Council will carry out a house condition survey in 2004/05 and will use the analysis of the survey to inform future policy proposals and the potential for neighbourhood renewal assessments and declaration of further renewal areas.
GR3	Unassisted participants in group repair schemes will be required to meet the full costs of eligible works to their properties, whilst assisted participants will be required to make a maximum contribution of: <ul style="list-style-type: none"> - 25% where the property is within a renewal area. - 50% in any other case
GR4	Existing Council Standing Orders will be reviewed with regard to their application to group repair schemes in Torfaen
GR5	It shall be a requirement for any participant in a group repair scheme that their contribution is made, or evidence of its availability is provided, prior to the approval of grant aid
GR6	It shall be a requirement for any participant in a group repair scheme that the property is covered by adequate building insurance prior to the approval of grant aid or in the circumstances that the property is uninsurable that it will be capable of being covered by adequate building insurance after the completion of the work
GR7	It shall be a condition of grant aid within a group repair scheme that the property is provided with adequate building insurance throughout the period covered by the conditions of future occupancy
GR8	The Council's in house home improvement agency will charge a maximum fee of 12% of the cost of the work to each participants property, inclusive of any ancillary fees, in relation to the performance of their agency duties, and those fees will be eligible for grant aid
GR9	Group Repair Schemes will be subject to a most satisfactory course of action determination as prescribed in annexe H to the guidance on the Regulatory Reform Order
GR10	In relation to properties owned by private landlords the provision of policies LLG1 — LLG6 will apply
GR11	Tenants will not be eligible as assisted participants within group repair schemes in Torfaen
GR12	The extent and specification of work within a group repair scheme shall be determined by the Council
GR13	All works considered by the Council to be necessary, in order to bring the external fabric of a property in a group scheme into a reasonable condition, must be undertaken in order for an assisted participant to be eligible for grant aid
GR14	No works shall be undertaken within a group repair scheme to the outbuildings of a property or to garden walls, fences, paths, yards, or driveways unless they are necessary in order to secure the structural stability of the property, to prevent the ingress of water into the property or are necessary to enhance the visual amenity of the area
GR15	The Council will designate a number of core properties within the renewal areas, and the owners will be invited to participate at the discretion of the Council in a Council run enveloping scheme .
GR16	The designated properties whether privately or publicly owned will be enveloped through the council's home improvement agency service
GR17	The enveloping work will attract 100% funding and conditions of future occupancy as agreed by the Council will apply to private owner-occupiers and private landlords for a period of 7 years.
GR18	Conditions relating to the provision of Group repair and Enveloping are set out in the Appendices C, D and E.
GR19	Conditions of future occupancy will be set out in the grant conditions in appendix.

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GR20	All conditions will be secured against the property by way of a legal charge and registered with the Land Registry or the Land Charges Registry. For the purpose of registering a charge a fee will be charged which will be fully covered by grant aid. The Council will reserve the right to charge a reasonable fee where an application for postponement is made in relation to a charge levied for Group Repair and Enveloping purposes.
GR21	All grants under this section shall be subject to the provisions of GA26, GA27 and GA28.

7 Priority assessment System for Housing Grant Aid and Transitional Arrangements

7.1 Introduction

7.1.1 The Council has operated a priority system in respect of enquiries for housing grant aid for a number of years. The system has been successful in identifying those enquirers who are considered by the Council to be the most vulnerable cases i.e. 'those in the greatest need, living in the worst accommodation'. One of the aims of the Council is to ensure that the most vulnerable households continue to receive the assistance that they require.

7.1.2 The continuation of a priority assessment system will therefore ensure that the demand for housing grant assistance can be managed to effectively divert available funding to the most vulnerable households in accordance with the Councils' adopted policies.

7.2 Vulnerable Households in Torfaen

7.2.1 Within the Council, the priority for housing grant aid will be directed towards:

- the elderly (over 60);
- disabled persons;
- those in financial hardship; and
- households with young children (under the age of 5).

7.2.2 The Council will give immediate priority in cases where a Disabled Facilities Grant has been awarded and urgent repairs are necessary in order to facilitate the adaptation works. (Policy DFG4)

7.2.3 Properties within the Council's renewal areas will also receive immediate priority where they are included within an active Group Repair Scheme.

7.3 Operating the Priority Assessment System

7.3.1 The priority assessment system will apply to all enquiries for grant aid with the exception of: -

- i. Disabled Facilities Grants, which are categorised according to a needs assessment by the Council's Occupational Therapists.
- ii. Torfaen Renovation Grant enquiries within the Council's strategic schemes i.e. Group Repair schemes in the declared renewal areas.
- iii. Other enquiries for grant aid which the Council consider are necessary to meet its strategic aims i.e. empty homes initiatives, means of escape from fire in houses in multiple occupation, accredited landlord schemes, accommodation for the homeless.

7.3.2 In order to carry out the priority assessment a simple self-completion questionnaire is completed which in broad terms identifies;

- i. personal circumstances e.g. age, financial circumstances, disabilities, household composition etc.
- ii. state of disrepair e.g. unfit, minor or major disrepair.
- iii. provision of basic amenities e.g. inside WC, bathing facilities, hot and cold water supply.

7.3.3 Other questions identify for example the age of the property which is an indication of its condition as in general terms the older the property the more likely it is to be in disrepair or unfit.

7.3.4 Another question relates to the Council Tax bandings i.e. A-D which again are an indication of the general condition of the property, and would in broad terms be the type of property which the most vulnerable households are likely to own.

- 7.3.5 Points are allocated in accordance with the scheme set out in appendix G. Those with the highest points would be afforded the highest priority and available funding would be used accordingly.
- 7.3.6 On making an enquiry for grant aid the enquirer would be sent an enquiry pack, which contains advice, information and the priority assessment questionnaire together with a preliminary test of resources (means test). A full copy of the questionnaire and a schedule showing the number of points allocated in each category are attached in the appendix G.
- 7.3.7 Following completion of the questionnaire and return of the means test the enquirer would be informed of their priority status, the likely waiting time and a preliminary calculation of their contribution, if any.

7.4 Transitional Arrangements

- 7.4.1 There are approximately 750 enquiries for Home Repair Assistance and approximately 250 enquiries for Renovation Grants currently awaiting attention. These will now not be processed under the existing grant legislation. It will, therefore be necessary to contact each of these enquirers and invite them to complete a new priority assessment questionnaire and test of resources, together with a summary of the new housing renewal policies.
- 7.4.2 Following the return of the documents these will be assessed against the new policies to confirm their eligibility, provided with information on their priority status and given an preliminary indication of their likely contribution. Those that are identified as having the highest priority will be dealt with in accordance with the new policies and the availability of funding.
- 7.4.3 It is unlikely that any of the present enquirers will be ineligible under the new policies, although their relative priority may be affected.

- 7.4.4 It is intended that the information provided will enable enquirers to make better informed decisions on the likelihood of their receiving assistance, and hence whether they wish to examine alternative means of carrying out essential works to their properties.

8. Monitoring

8.1 The strategy and policies will be monitored continuously throughout its operation. In order to do this the Council will monitor progress against our performance and assess whether the broader aims and objectives are being met.

8.2 The Council will engage in customer consultation as an important part of the monitoring process and therefore continue to carry out customer satisfaction surveys and adopt other methods of engaging customers and stakeholders.

8.3 The Council will undertake a house condition survey in 2003/4 in order to provide a detailed analysis of the house conditions in Torfaen which will in turn provide the information necessary to review the Strategy and Policy and thus to make any appropriate changes. Links will be made to other data, such as house prices/sales, local market conditions, tenure patterns, occupant s circumstances and the economic and social characteristics of an area. Data to be sourced will include:

house prices;

numbers of empty homes;

average earnings, deprivation and affordability;

turnover/sales;

tenure patterns;

demand for housing within areas from common housing registers;

demographic trends, population projections and migration patterns;

the need for new provision and cross-boundary issues;

the housing needs of students and key workers;

relationship with other sub-regional and regional markets;

crime statistics;

turnover in school places and applications.

- 8.4 Together with the continued gathering of demographic, and socio-economic information, including fuel poverty, the Council will also make use of the information from the Torfaen housing needs survey, to enable effective monitoring and policy revisions where appropriate.
- 8.5 The following service standards and performance measures will be used in the monitoring process;
- Time taken from receipt of initial request to issuing of grant enquiry pack (TRG only).
 - Time taken from receipt of enquiry documents/test of resources/priority questionnaire to registration of enquiry i.e. date of confirmation letter (TRG only).
 - Time taken from issue of file to surveyor to receipt of formal application (TRG and DFG).
 - Time taken from receipt of formal application to approval/refusal of grant (TRG, DFG and Group Repair).
 - Time taken from approval of grant to completion of works i.e. certified date of completion (TRG,DFG and Group Repair)
 - Number of approved applications by grant type where the notional affordable loan calculation is nil.
 - The average notional affordable loan calculation by grant type for all approved applications.
 - The average age of applicants for all approved applications (TRG only).
 - The number of households with children under 5 with approved applications (TRG only).
 - Number of unfit dwellings with approved applications (TRG and Group Repair).
 - Number of vacant properties (more than 6 months) with approved applications.
 - Number of approved applications in Group Schemes (Group Repair only).

- Number of properties completed in enveloping schemes (practical completion)
- Number and value of approvals by grant type (all grants)
- Number and value of completed grants(final payment) by grant type (all grants)
- Total expenditure by grant type
- The NAWPI 4.1 (a) and (b): -

The proportion of private sector dwellings where direct action by the local authority has resulted in: -

a) unfit dwellings being made fit or demolished

b) return to occupation during 2003/2004 where they have been vacant for more than 6 months at 1st April

- To provide each grant recipient with a questionnaire on the completion of work in order to determine their satisfaction with the service and the contractor. These questionnaires will be evaluated continuously.

9. Policy Revision

9.1 The Council will review this policy from time to time and annually in the first instance. Any proposed changes to the policy or strategy will be carefully considered in order to provide a balance between maintaining a robust framework in which all stakeholders can operate and benefit with the need to make changes where these serve the best interests of all. Changes to the policy may result from new information and data becoming available where there may be a need to consider these, and how existing policies address any resulting issues.

9.2 Significant changes will be reported and adopted by the Council in accordance with the existing procedures under the Housing Renewal Guidance issued by the Welsh Assembly Government. This might include, for example, any proposals to change the eligibility criteria or to introduce other forms of assistance such as loans. However, where proposed changes are of a fairly minor nature, for example, adjustments to the priority assessment weightings, which would not have a significant impact on overall policy aims then these will be accommodated as decisions delegated to the Director for the Environment in consultation with the Executive Member for the Environment.

10. Complaints

10.1 The Council already has an established policy to deal with complaints and it will be used for dealing with any complaints that may arise in connection with the Housing Renewal Policies.

11. Ensuring Priority and Preventing Fraud

11.1 The housing renewal process has been audited by the Council's Audit Section with a view to establishing that:

- a) appropriate and clearly defined policies exist

- b) grants are awarded and administered in accordance with policies, procedures and legislation.
- 11.2 A recent audit in August 2002 has highlighted a number of key priorities, which will be addressed in the Performance Improvement Plan. The Performance Improvement Plan has been accepted by the Audit Section and the key findings and recommended actions will be adopted.
- 11.3 The Council's Audit Section will continue to monitor and evaluate the housing grant allocations and the processes and systems of the Housing Renewal Team.
- 11.4 Senior Officers will perform sample monitoring of a random selection of files to ensure that proper procedures have been followed and are accurately documented.
- 11.5 The Housing Renewal Team will seek to gain Quality Assurance certification from a recognised body.

Summary of Measures to Ensure Propriety and the Prevention of Fraud

- The housing Renewal Team will be regularly audited by the Council's Audit Section ensuring compliance with; the recent Audit recommendations
- Senior Officers will carry out random sample monitoring.
- Quality Assurance Certification will be sought.

12. Enforcement Policy

- 12.1 Responsibility for private sector housing enforcement functions lie with the Council's Public health Team within the Department for the Environment.
- 12.2 A comprehensive enforcement policy has been proposed which has been reproduced in Appendix F.

13. Partnerships

- 13.1 The more flexible power to give assistance enables the Council to engage with new and varied partners and identify their local priorities. The Council will

aim to identify and work with appropriate partners who will support and complement our housing renewal policies.

13.2 Torfaen Care and Repair

13.2.1 One of the key partners in the implementation of our renewal policies is Torfaen care and Repair Agency managed by the Eastern Valley Housing Association. Home improvement agencies like Care and Repair can play a major part in helping an authority achieve its area-based and client-focused objectives. Torfaen Care and Repair Agency was established in April 2002. A close working relationship has already developed with Torfaen County Borough Council providing the technical support for the agency. The Council has worked closely with the Torfaen Care and Repair Agency to produce a business plan for Care and Repair Cymru. The plan has been accepted and finance has been secured which will enhance the current Care and Repair provision in Torfaen. It is anticipated that Torfaen Care and Repair will play a key role in assisting the Council in the development and implementation of its brokerage role .

13.3 South East Wales Energy Advice Centre

13.3.1 The Council has strong links with the South East Wales Energy Advice Centre e.g. the Centre are currently undertaking a postal survey on energy efficiency on behalf of the Council. A service level agreement has been in force with the Advice Centre for a number of years which assists the Council in its Home Energy Conservation Act role and provides free access to information and advice for Torfaen residents.

13.3.2 Through organisations such as this and collaboration with other local authorities, Care and Repair, and energy suppliers, the Council seeks to meet its Home Energy Conservation Act commitments, complement and maximise any activity under the Home Energy Efficiency Scheme.

13.3.3 The development of partnership working will take some time. Close working arrangements will be maintained with our planning and housing department colleagues. However, the initial aim is to invite various organisations to participate in the development of future renewal policies.
These include: -

Consultative partnerships: In developing local strategic partnerships and as part of the Wales Programme for Improvement process, the Council will need to engage with a wide range of current and potential service users as well as other stakeholders. These consultative arrangements may be formalised in resident panels or other types of consultative forums. Typically the focus could

be an area issue such as environmental works within a renewal area, or the future of a park home site.

Health alliances: there is a clear linkage between poor housing and ill health especially with an ageing population and more people choosing to live independently within the community. This generates a need for partnership working between the Council, the Local Health Group, and Care and Repair organisations such as Torfaen Age Concern and others representing specific client groups.

Financial partnerships: The potential for a wider range of financial assistance now available for housing renewal will necessitate partnerships with lenders, specialist intermediaries, etc. This will assist the Council in its brokerage role and further development of other forms of assistance

Maintenance and home improvement partnerships: With the flexibility to give assistance for the supply of materials or work undertaken, the Council may need to negotiate new partnerships for the supply of goods and services under framework agreements.

Community safety partnerships: Crime and fear of crime rank highly amongst residents priorities in many areas. Partnerships between local communities, local authorities, Care and Repair agencies, Crime Reduction Practitioners and the police can be particularly effective in delivering peace of mind. The Renewal Team will ensure that in future there is sufficient consultation with the community safety officer on its renewal activities so that safety and disorder issues are not compromised.

Schools/education partnerships: Partnerships could be established with schools, colleges and education colleagues with the aims of educating future generations about the need for maintenance, repair and the need to conserve energy.

Working with the voluntary sector: Within any strategy there will need to be provision for the supply of a range of complementary formal and informal advice and advocacy services. These types of services are also provided by home improvement agencies like Care and Repair.

Summary of Partnership Approach

- Strong links already exist with a number of organisations. These will continue to be maintained and developed to aid the delivery and implementation of the Council's renewal strategies.
- The Council will seek to identify and develop partnerships with appropriate organisations that will support and complement our renewal

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- i. Disabled Facilities Grants remain largely unaffected by the Regulatory Reform Order. Therefore, existing legislative requirements and guidance will continue to apply to Disabled Facilities Grants processing.
- ii. Appendix A forms part of the Housing Renewal Policies and therefore should be read in conjunction with the previous chapters in this document.
- iii. The provisions Appendix A will apply only to the Torfaen Renovation Grant (TRG) unless otherwise stated.
- iv. Reference to the Council shall mean the Torfaen County Borough Council

1 Process for applying for Housing Grant Aid in Torfaen

- 1.1 The initial step for anyone intending to make or contemplating an enquiry for housing grant aid of all types within Torfaen County Borough is to contact the Housing Renewal Team.
- 1.2 The Housing Renewal Team is part of the Regeneration Division of the Department for the Environment at Torfaen County Borough situated at County Hall Cwmbran.
- 1.3 Main contact numbers for the Housing Renewal Team are 01633 648484 and 01633 648389. Enquirers can also contact the Team via the councils main number of 01495 762200.
- 1.4 Advice and information will also be available in due course through the Councils web site www.Torfaen.gov.uk
- 1.5 Persons wishing to visit the Department of the Environments Housing Renewal Team office may do so Monday to Thursday between 8.30am and 5.00pm and on Fridays between 8.30 am and 4.30 pm. It would, however, be advisable to telephone beforehand to arrange a suitable appointment with an appropriate officer.

2 Preliminary Enquiry System

- 2.1 The council will operate a preliminary enquiry system, which is designed to identify eligible enquirers at the earliest possible point.

This will be carried out by officers within the Housing Renewal Team using a standard questionnaire designed to identify;

- those eligible for Torfaen Renovation Grant (TRG);
- those not eligible;
- those who require other forms of assistance such as disabled adaptations who can then be advised of the process of assessment by Social services and ;
- to inform residents within the renewal areas of the program for the forthcoming year.

- 2.2 Eligible enquirers for TRG will be invited to register an enquiry. Those requiring disabled adaptations will be directed to the Social Services help desk in the first instance. Residents in renewal areas where eligible will be invited to register an enquiry for TRG however Group Repair will be by invitation only at the discretion of the Council.

3 Registering an Enquiry for TRG

- 3.1 Eligible enquirers will be issued with an enquiry pack containing information, an enquiry form and a self —completion questionnaire for the purposes of priority assessment. *
- 3.2 *the priority assessment system is explained in chapter 7
- 3.3 The Housing Grant Liaison Officers will assist enquirers with the completion of these documents if so required.
- 3.4 Once the enquiry pack documents have been returned an enquiry will be registered on the computer system using Flare software and the documentation retained in a paper file. Each enquiry is issued with a separate and unique reference number.
- 3.5 The Council will process enquiries strictly in accordance with the priority assessment system subject to the availability of funding approved for that purpose.

- 3.6 It is the policy of the Council to process all enquiries through the in house Home Improvement Agency. A grant aided agency fee is charged for the services of the Home Improvement Agency but only if the application is approved and works completed satisfactorily.
- 3.7 Under no circumstances will an enquiry be allocated to the Home Improvement Agency for processing to approval stage until such time as;
- (a) It has the highest priority status compared to other enquiries and
 - (b) Funding is available and approved for that purpose.
- 3.8 Each enquirer will receive written confirmation of their priority status, the provisional calculation of their contribution towards the cost of any grant works (based on the unverified information supplied by them), and an indication of the length of time that it will take to deal with their enquiry.

Exceptions to Policy

The Council's policies are specific about the circumstances in which an application will be considered, how much grant aid it will provide and the conditions that will be applicable to the provision of grant aid. However it will consider each application on its individual merits even if it appears to fall outside the Council's policy.

Therefore where there are exceptional circumstances and where the applicant is able to demonstrate exceptional hardship or provide very strong justification on the basis of need, the Council will give consideration to those circumstances.

Anyone who feels that their application for grant aid has been refused unfairly or the amount of grant aid and the application of the relevant conditions should be reconsidered because of their particular circumstances will be entitled to a review. In these circumstances the matter will be referred to the Director for the Environment in consultation with the Executive Member for the Environment for a decision.

Appendix B

Notes

- i) Disabled Facilities Grants remain largely unaffected by the Regulatory Reform Order. Therefore, existing legislative requirements and guidance will continue to apply to Disabled Facilities Grants processing.
- ii) Appendix B forms part of the Housing Renewal Policies and therefore should be read in conjunction with the previous chapters in this document.
- iii) The provisions Appendix B will apply only to the Torfaen Renovation Grant (TRG) unless otherwise stated.
- iv) Reference to the Council shall mean the Torfaen County Borough Council

Preliminary Conditions for TRG

1. Torfaen Renovation Grant (TRG)

- 1.1.1 Grants are available from Torfaen County Borough Council, at the discretion of the Council, and in accordance with this section and the approved policy requirements towards the cost of works required for: -
 - a) the repair or improvement of dwellings, and houses in multiple occupation
 - b) the provision of dwellings or houses in multiple occupation by the conversion of a house or other building
 - c) the provision of facilities for disabled persons where a Disabled Facilities Grant has been approved and the cost of additional works is over the Disabled Facilities Grant statutory limit (top up grant) in dwellings and in the common parts of buildings containing one or more flats (DFG4)
 - d) the acquisition of a similar property in the locality and the relocation of persons where dwellings or houses in multiple occupation are subject to clearance or demolition orders or where the provision of Disabled Facilities Grant is considered neither reasonable nor practicable (DFG5)
 - e) Thermal insulation measures to reduce fuel poverty and to meet the Council's commitment under the Home Energy Conservation Act
 - f) No grant shall be available for the improvement, repair or relocation of persons where the premises are a mobile home or houseboat.

- 1.3 The grant will be referred to as a Torfaen Renovation Grant (TRG) and by the sub-category according to use e.g. TRG (Improvement), TRG (HMO), TRG (Conversion), TRG (Relocation), TRG (Disabled Facilities)
- 1.4 In this appendix the term 'grant' without more means any of these sub-categories of grants.

2 Ineligible Applicants

- 2.1 No grant is payable if the person who would otherwise qualify as the applicant for grant is: -
- a local authority
 - a new town corporation
 - an urban development corporation
 - a housing action trust
 - the Development Board of Renewal Wales
 - a Health Authority, Local Health Group, Special Health Authority, or NHS Trust.
 - a joint authority established by Part IV of the Local Government Act 1985.
 - a residuary body established by Part VII of that Act
 - a Police Authority; or
 - an Authority established under section 10(1) of the Local Government Act 1995

3 The Age of the Property

- 3.1 Torfaen County Borough Council shall not entertain an application for grant in respect of premises provided (by construction or conversion) less than 20 years before the date of the application, unless
- the application is for a TRG (Disabled Facilities)
 - the application is for a TRG (Relocation) in respect of the provision of Disabled Facilities which are neither reasonable nor practicable to provide in the existing dwelling
 - the application is for a TRG (HMO).

4 Prior Qualifying Period

- 4.1 Other than where specifically directed Torfaen County Borough Council will not entertain a TRG application unless the applicant is able to show that he has lived in the dwelling as an owner for the preceding three years.
- 4.2 In Torfaen the only exemptions to this requirement will be;
- within the declared renewal areas in Blaenavon, Abersychan and Pontypool;
 - in relation to works to provide means of escape from fire following the service of a notice under S352 of the Housing Act 1985;
 - properties subject to the Councils' empty property initiatives;
 - 'top up' grant for Disabled Facilities;
 - first time purchasers and;
 - Relocation Grants
 - Landlord Grants

5 Application Process

- 5.1 No grant shall be paid unless an application for it is made to the Torfaen County Borough Council in accordance with the provisions of this section and renewal policies and is approved by the Torfaen County Borough Council.
- 5.2 An application for grant shall only be accepted if made through the Councils Home Improvement Agency.
- 5.3 An application for grant shall be in writing and shall be on the Torfaen County Borough Council approved application form which will specify the premises to which it relates and the application shall contain: -
- a) particulars of the works in respect of which the grant is sought (the relevant works)
 - b) at least two estimates from different contractors from the approved panel of contractors, of the cost of carrying out relevant works, or such other approved method of establishing the cost of relevant works.
 - c) particulars of any preliminary or ancillary services and charges in respect of the cost of which grant is sought.
 - d) details of the financial circumstances of the applicant and supporting documentation including bank statements, wage slips, benefits, stocks and shares, and other financial information necessary for the purpose of

- verifying an applicants financial resources and to carry out the calculation of the contribution that the applicant will be required to make (if any) towards the cost of the relevant works.
- e) a certificate of owner-occupation or a certificate of intended letting in respect of the dwelling to which the application relates or in the case of a TRG (Conversion) application in respect of each of the dwellings to be provided.
 - f) proof of title i.e. that satisfactory proof is provided that the applicant has or proposes to acquire an owners interest in every parcel of land on which relevant works are to be carried out or that the applicant is a qualifying tenant but does not have or propose to acquire an owners interest in the dwelling.
 - g) Any other particulars as required in the private sector housing policy document.

6 TRG - The purpose for which grant may be approved

6.1 The purpose for which an application for a TRG may be approved are: -

- a) to make the property fit for habitation
- b) to provide adequate thermal insulation to the standard specified by Torfaen County Borough Council
- c) to provide means of escape in case of fire or other fire precautions, required to comply with Section 352 of the Housing Act 1985 following service of a statutory notice by the Public Health Section of the Department for the Environment
- d) to put a property into reasonable repair
- c) to adapt the property or common parts of a property for use by a disabled person
- d) to provide improved home security measures to the houses of elderly, infirm or disabled applicants in accordance with the specifications approved by the Police Liaison Officer and approved by Torfaen County Borough Council

6.2 The purpose for which a TRG (Conversion) application may be approved is to provide one or more dwellings by the conversion of a house or other building.

6.3 If in the opinion of the Council the relevant works are more or less extensive than is necessary to achieve any of the purposes set out in 6.1 and 6.2 or the relevant works are restricted to the standards approved by the Council, they may treat the application as varied so that the relevant works are limited or, as

the case may be, include such works as seem to the Council to be necessary for that purpose.

7 TRG - Approval of Application

- 7.1 Torfaen County Borough Council will not approve an application for TRG unless they are satisfied that the works are necessary for one or more of the purposes set out in 6.1 or 6.2.
- 7.2 Torfaen County Borough Council will not approve an application for TRG until they are satisfied that the applicant has a qualifying owner's interest in the property except in the case of a top up TRG for disabled adaptations approved by the Council.
- 7.3 Torfaen County Borough Council will not approve an application for TRG subject to the exception in policies GA 1 to GA24 unless they are satisfied that: -
- a) on completion of the relevant works, together with any other proposed works, the premises will be fit for human habitation.
 - b) that there are satisfactory financial aid and arrangements for carrying out those works; and
 - c) that the carrying out of the works is the most satisfactory course of action.

8 Restriction on grants for works already begun

- 8.1 Torfaen County Borough Council will not approve an application for a TRG if the relevant works have begun before the application is approved.

9 Means testing

- 9.1 In the case of an application for a TRG where the financial resources of the applicant exceed the applicable amount, the amount of any grant which may be paid shall be reduced, using the method set out in the current regulations as may be amended from time to time, from what it would otherwise have been.

- 9.2 In the case of a landlord's application Torfaen County Borough Council in accordance with its policies shall determine the amount of grant. The criteria by which the Council will deal determine the amount of a landlord application is in chapter 5 Landlord Grants .

10 Decision and Notification

- 10.1 Torfaen County Borough Council will endeavour to notify an applicant in writing as soon as reasonably practicable, whether the formal application is approved or refused, and will set as a maximum target time a period of three months from the date that the formal application is received to the date that the notification of approval or refusal is made.

11 Payment of grant

- 11.1 Where Torfaen County Borough Council have approved TRG aid they shall pay the grant: -

- in whole after completion of the eligible works or
- in part by means of no more than two interim payments as the works progress and the balance after completion of works

- 11.2 Where TRG is paid by instalments, the aggregate of the instalments paid before completion of the eligible works shall not exceed nine-tenths of the amount of the grant.

12 Payment of TRG: Conditions as to carrying out of the works

- 12.1 It is a condition of every TRG that the eligible works are carried out within 12 months of the date of approval.

- 12.2 The payment of TRG is conditional upon: -

- the eligible works or the corresponding part of the works being executed to the satisfaction of the Council
- the Council being provided with an acceptable invoice, demand a receipt for

payment of the works and any preliminary or ancillary services or charges in respect of which the grant is to be paid.

For this purpose an invoice, demand or receipt is acceptable if it satisfies the Council and is not given by the applicant or a member of his family.

13 Payment of TRG: Conditions as to contractors employed

- 13.1 It is a condition of every TRG that the eligible works are carried out by the contractor whose estimate accompanied the application or where another approved method for estimating costs has been approved, by the appointed contractor, and in accordance with the Council's standing orders.

14 Payment of TRG to Contractor

- 14.1 Torfaen County Borough Council will pay TRG direct to the contractor in all cases.
- 14.2 Where works have been executed to the satisfaction of the Council, but not to the satisfaction of the applicant, the Council shall make payment to the applicant, in the form of a cheque made payable to the contractor.

Exceptions to Policy

The Council's policies are specific about the circumstances in which an application will be considered, how much grant aid it will provide and the conditions that will be applicable to the provision of grant aid. However it will consider each application on its individual merits even if it appears to fall outside the Council's policy.

Therefore where there are exceptional circumstances and where the applicant is able to demonstrate exceptional hardship or provide very strong justification on the basis of need, the Council will give consideration to those circumstances.

Anyone who feels that their application for grant aid has been refused unfairly or the amount of grant aid and the application of the relevant conditions should

be reconsidered because of their particular circumstances will be entitled to a review. In these circumstances the matter will be referred to the Director for the Environment in consultation with the Executive Member for the Environment for a decision.

Appendix C

Notes

- i) Appendix C forms part of the Housing Renewal Policies and should therefore be read in conjunction with the previous chapters in this document.
- ii) The provisions Appendix C will apply only to Group Repair Aid unless otherwise stated.
- iii) Reference to the Council shall mean the Torfaen County Borough Council

Preliminary Conditions for Group Repair

1 The Age of the Property

- 1.1 It shall be a condition of a Group Repair Schemes that all premises in the scheme shall be provided (by construction or conversion) not less than 20 years before the date of the application, unless the premises is one that belongs to a non assisted participant. Non assisted participants are defined in paragraph 9.5.

2 Prior Qualifying Period

- 2.1 Other than where specifically directed Torfaen County Borough Council will not entertain an application for Group Repair assistance unless the applicant is able to show that he has lived in the dwelling as an owner for the proceeding three years.

In Torfaen the only exemptions to this requirement will be;

- in Group Repair Schemes within the declared renewal areas in Blaenavon, Abersychan and Pontypool;
- where properties are subject to the Councils' empty property initiatives;
- where applicants are first time purchasers and;
- where landlord applications are invited which in the opinion of the Council benefits the Authority s strategic aims and initiatives

3 Application Process

- 3.1 No Group Repair aid shall be paid unless an application for it is made to the Torfaen County Borough Council in accordance with the provisions of this section and the relevant renewal policies and is approved by the Torfaen County Borough Council.
- 3.2 An application for grant shall only be accepted if made through the Councils Home Improvement Agency.
- 3.3 An application for grant shall be in writing and shall be on the Torfaen County Borough Council approved application form which will specify the premises to which it relates and the application shall contain: -
- a) particulars of the works in respect of which the grant is sought (the relevant works)
 - b) at least two estimates from different contractors from the approved panel of contractors, of the cost of carrying out relevant works, or such other approved method of establishing the cost of relevant works.
 - c) Particulars of any preliminary or ancillary services and charges in respect of the cost of which grant is sought.
 - d) In the case of means tested applicants details of the financial circumstances of the applicant and supporting documentation including bank statements, wage slips, benefits, stocks and shares, and other financial information necessary for the purpose of verifying an applicants financial resources and to carry out the calculation of the contribution that the applicant will be required to make (if any) towards the cost of the relevant works.
 - e) a certificate of owner-occupation or a certificate of intended letting in respect of the dwelling to which the application relates
 - f) proof of title i.e. that satisfactory proof is provided that the applicant has or proposes to acquire an owners interest in every parcel of land on which relevant works are to be carried out or that the applicant is a qualifying tenant but does not have or propose to acquire an owners interest in the dwelling.
 - g) Any other particulars as required in the private sector housing policy document.

4 Participation in Group Scheme by Invitation of Council

- 4.1 Participation of eligible owners in a group repair scheme will be by invitation of the Council only. Non eligible owners may also participate in a Council run

Group Repair Scheme at the discretion of the Council however they will be required to make a 100% contribution towards the cost of works and fees.

5 Ineligible Applicants

5.1.1 No person is eligible to participate in a Group Scheme as an assisted participant if the person who would otherwise qualify as the applicant for grant is: -

- a) a local authority
- b) a new town corporation
- c) an urban development corporation
- d) a housing action trust
- e) the Development Board of Renewal Wales
- f) a Health Authority, Local Health Group, Special Health Authority, or NHS Trust.
- g) a joint authority established by Part IV of the Local Government Act 1985.
- h) a residuary body established by Part VII of that Act
- i) a Police Authority; or
- j) an Authority established under section 10(1) of the Local Government Act 1995

6 Purpose of Group Repair Scheme

6.1 Torfaen County Borough Council may prepare a scheme a group repair scheme for the carrying out of works-

- a) to put in reasonable repair the exterior of the buildings to which the scheme relates, or
- b) to render the buildings to which the scheme relates structurally stable, or for both those purposes.

6.2 In the case of works to put in reasonable repair the exterior of the buildings to which the scheme relates, the works must be —

- a) works to the exterior of the buildings to which the scheme relates, or
- b) so far only as may be necessary to give satisfactory effect to such works, additional works to other parts of the buildings, and must be

such that on completion of the works the exterior of the buildings will be in reasonable repair.

6.3 In the case of works to render the buildings to which the scheme relates structurally stable, the works must be —

- a) works to the structure or to the foundations of the buildings to which the schemes relates, or
- b) other works necessary to give satisfactory effect to such works,

and must be such that on completion of the works the buildings will be structurally stable.

6.4 For the purpose of this section the exterior of a building means-

- a) any part of the building which is exposed to the elements of wind and rain or otherwise faces into the open air (including, in particular, roofs, chimneys, walls, doors, windows, rainwater goods and external pipework), and
- b) the curtilage of the building, including any wall within the curtilage which is constructed as a retaining wall or otherwise to protect the structure of the building

6.5 For purposes of this section the exterior of a building shall not be regarded as in reasonable repair unless it is substantially free from rising or penetrating damp.

7 Composition of Group Repair Scheme in Torfaen

7.1 A group repair scheme in Torfaen shall consist of a minimum of two adjoining terraced properties in the same terrace. Additional properties in adjacent or nearby terraces or semi detached or detached properties may be added to the scheme.

8 Persons Eligible to Participate

8.1 A person eligible to participate in a Group Repair Scheme may participate as an assisted or non assisted participant if;

- a) he has an owner s interest in a dwelling or other premises comprised in a building to which the scheme relates, and
- b) as respects the dwelling or other premises in which he has an owner s interest he either-

- i) is able to give possession of any part of the building to which scheme works are proposed to be carried out, or
- ii) has the consent of the occupier of that part to the carrying out of those works.

9 Assisted Participants and Occupancy requirements

- 9.1 A person eligible to participate in a group repair scheme may participate as an assisted participant —
- a) if the owner's interest which he has is an interest in a dwelling and he gives an owner-occupation certificate or a certificate of intended letting, or
 - b) if the owner's interest which he has is an interest in a house in multiple occupation and he gives a certificate of future occupation.
- 9.2 An owner-occupation certificate certifies that the person concerned —
- a) has an owner's interest in the dwelling, and
 - b) intends that throughout the protected period he, or a member of his family, will live in the dwelling, as his (or that member's) only or main residence.
- 9.3 A certificate of intended letting certifies that the person concerned —
- a) has an owner's interest in the dwelling, and
 - b) intends that throughout the protected period the dwelling will be let or available for letting as a residence and not for a holiday to someone other than a member of his family.

In paragraph (b) letting does not include a letting on a long tenancy.

- 9.4 A certificate of future occupation certifies that the person concerned —
- a) has an owner's interest in the house, and
 - b) intends that throughout the protected period the house or a part of it (specified in the certificate) will be residentially occupied, or available for residential occupation, under tenancies or licenses by persons who are not connected with the owner for the time being of the house.

In paragraph (b) residential occupation does not include occupation for a holiday, and tenancies does not include a long tenancy.

- 9.5 A person invited to participate in a group repair scheme by the Council who is unable to participate as an assisted participant may participate as an unassisted participant.

10 Scheme Consent and Completion Certificate

- 10.1 Any person who participates in a group repair scheme will signify consent (scheme consent), in accordance with the terms of the scheme, to the proposals to carry out the works specified in the scheme.
- 10.2 No scheme works shall be carried out to a part of a building which consists of premises in respect of which no person eligible to participate has signified scheme consent unless it is necessary to do so in order to satisfactorily carry out any works specified in the scheme to another property in the scheme in respect of which a person eligible to participate has signified scheme consent.
- 10.3 When the works specified in a group repair scheme are completed, Torfaen County Borough Council shall send to each assisted participant a certificate specifying the date on which the works were completed on his property to the satisfaction of Torfaen County Borough Council.

In this section that date is referred to as the completion date .

11. Participants contribution towards cost of works

- 11.1 In the case of an unassisted participant, the rate of contribution is 100%.
- 11.2 In the case of an assisted participant, the rate of contribution is —
25% for residents within a renewal area
50% in any other case
- 11.3 In making their determination in the case of an assisted participant the Council shall;
- a) determine whether means testing as applied to an applicant for Torfaen Renovation Grant in the case of an application by an owner-occupier would result in a lower contribution in which case the lower contribution will be required and
 - b) determine the amount of grant in the case of landlord s application in accordance with Council policy.

12. Decision and Notification

- 12.1 Torfaen County Borough Council will endeavour to notify an applicant in writing as soon as reasonably practicable, whether the application is approved or refused, and will set as a maximum target time a period of three months from the date that the formal application is received to the date that the notification of approval or refusal is made.

13. Payment of grant

- 13.1 Where Torfaen County Borough Council have approved Group Repair Aid they shall pay the grant: -
- a) in whole after completion of the eligible works or
 - b) in part by means of no more than two interim payments as the works progress and the balance after completion of works

Where Group Repair aid is paid by instalments, the aggregate of the instalments paid before completion of the eligible works shall not exceed nine-tenths of the amount of the grant.

14. Payment of Group Repair Aid: Conditions as to carrying out of the works

- 14.1 It is a condition of every Group Repair Scheme that the eligible works are carried out within 12 months of the date of approval.
- 14.2 The payment of Group Repair aid is conditional upon the eligible works or the corresponding part of the works being executed to the satisfaction of the Council

15 Payment of TRG: Conditions as to contractors employed

- 15.1 It is a condition of every Group Scheme that the eligible works are carried out by the contractor whose estimate accompanied the application or where

another approved method for estimating costs has been approved by the appointed contractor and in accordance with the Council's standing orders, or in other cases where exemption to standing orders has been approved.

16. Payment of Group Repair aid to Contractor

- 16.1 Torfaen County Borough Council will pay Group Repair Aid direct to the contractor in all cases.
- 16.2 Where works have been executed to the satisfaction of the Council, but not to the satisfaction of the applicant, the Council shall make payment to the applicant, in the form of a cheque made payable to the contractor.

Exceptions to Policy

The Council's policies are specific about the circumstances in which an application will be considered, how much grant aid it will provide and the conditions that will be applicable to the provision of grant aid. However it will consider each application on its individual merits even if it appears to fall outside the Council's policy.

Therefore where there are exceptional circumstances and where the applicant is able to demonstrate exceptional hardship or provide very strong justification on the basis of need, the Council will give consideration to those circumstances.

Anyone who feels that their application for grant aid has been refused unfairly or the amount of grant aid and the application of the relevant conditions should be reconsidered because of their particular circumstances will be entitled to a review. In these circumstances the matter will be referred to the Director for the Environment in consultation with the Executive Member for the Environment for a decision.

Appendix D

Grant Conditions and meaning of Relevant and Exempt Disposal

Notes

- i) Appendix D forms part of the Housing Renewal Policies and therefore should be read in conjunction with the previous chapters and appendices.
- ii) Reference to the Council shall mean the Torfaen County Borough Council
- iii) All grant conditions will be registered as a charge against the property

1 Group Repair Aid

- 1.1 The following sections only have effect with respect to the conditions of participation in a group repair scheme as an assisted participant.
- 1.2 Those conditions have effect for the period of five years, beginning with the certified date of completion and referred to in this appendix as the protected period .
- 1.3 For the purpose of those conditions the balance of the cost is the difference between
 - a) the cost as notified to the participant under the scheme of such of the works specified in the scheme as relate to the premises in which his owner s interest subsisted, and
 - b) the amount of the contribution in respect of that cost by him

2 Conditions relating to Assisted Participants on disposal of property

- 2.1 It is a condition of participation in a group repair scheme as an assisted participant that if, at any time after signifying scheme consent and before the end of the protected period, he makes a relevant disposal (other than an exempt disposal) of the premises in which he has an owner s interest at the

date of the approval of the scheme, he shall pay to the Council on demand the balance of the cost.

- 2.2 The Council will have the right to use discretion in respect of repayment of grant and may in so doing determine not to demand payment or to demand a lesser amount according to individual circumstances.
- 2.3 Any condition in this appendix shall cease to be in force with respect to any premises if there is a relevant disposal of the premises which is an exempt disposal other than a vesting under a will or on intestacy.

3 Conditions relating to the Occupation of the Property; Assisted Participants.

- 3.1 It is a condition of participation in a group repair scheme as an assisted participant —
- a) where the participant gave an owner-occupation certificate, that throughout the protected period the dwelling is occupied in accordance with the intention stated in the certificate;
 - b) where the participant gave a certificate of intended letting, that throughout the protected period the dwelling is let or available for letting in accordance with the intention stated in the certificate; and
 - c) where the participant gave a certificate of future occupation, that throughout the protected period the house is residentially occupied, or available for residential occupation, in accordance with the intention stated in the certificate.
- 3.2 It is also a condition of participation as an assisted participant that if at any time when any of the above conditions is in force the Council serve notice on the owner of the dwelling or house requiring him to do so, he will within the period of 21 days beginning with the date on which the notice was served furnish to the Council a statement showing how that condition is being fulfilled.
- 3.3 In the event of a breach of a condition under this section, the owner for the time being of the dwelling or house shall pay to the Council on demand the balance of the cost.
- 3.4 The Council may determine not to make such a demand or may demand a lesser amount.

- 3.5 Any condition in this appendix shall cease to be in force with respect to any premises if there is a relevant disposal of the premises which is an exempt disposal other than a vesting under a will or on intestacy.

4 Repayment of Balance of Costs to Torfaen County Borough Council

- 4.1 If at any time while a condition of participation remains in force-
- a) the assisted participant pays the balance of the cost to the Torfaen County Borough Council
 - b) a mortgagee of the interest of the assisted participant in the premises being a mortgagee entitled to exercise a power of sale, makes such a payment
 - c) the Torfaen County Borough Council determines not to demand payment on the breach of a condition of participation, or
 - d) the Torfaen County Borough Council demand payment in whole or in part on the breach of a condition of participation and that demand is satisfied,

these conditions will cease to have effect from the date that payment is received by the Council.

5 Torfaen Renovation Grant

5.1 *The following sections only have effect with respect to the conditions of grant aid provided by Torfaen Renovation Grant.*

- 5.2 Those conditions have effect for the period of five years in respect of owner occupiers and 7 years in respect of a landlord grant , beginning with the certified date of completion and referred to in this appendix as the protected period .

6 Conditions relating to disposal of property

- 6.1 *It is a condition of Torfaen Renovation Grant Aid that if at any time before the end of the protected period, the owner makes a relevant disposal (other than an exempt disposal) of the premises in which he has an owner s interest at the*

date of the approval, he shall pay to the Council on demand the full amount of the grant aid paid in respect of the property .

- 6.2 The Council will have the right to use discretion in respect of repayment of grant and may in so doing determine not to demand payment or to demand a lesser amount according to individual circumstances.
- 6.3 Any condition in this appendix shall cease to be in force with respect to any premises if there is a relevant disposal of the premises, which is an exempt disposal other than a vesting under a will or on intestacy.

7 Conditions relating to the Occupation of the Property

- 7.1 It is a condition of Torfaen Renovation Grant that ;
- a) where the applicant gave an owner-occupation certificate, that throughout the protected period the dwelling is occupied in accordance with the intention stated in the certificate;
 - b) where the applicant gave a certificate of intended letting, that throughout the protected period the dwelling is let or available for letting in accordance with the intention stated in the certificate; and
 - c) where the applicant gave a certificate of future occupation, that throughout the protected period the house is residentially occupied, or available for residential occupation, in accordance with the intention stated in the certificate.
- 7.2 It is also a condition Torfaen Renovation Grant that if at any time when any of the above conditions is in force the Council serve notice on the owner of the dwelling or house requiring him to do so, he will within the period of 21 days beginning with the date on which the notice was served furnish to the Council a statement showing how that condition is being fulfilled.
- 7.3 In the event of a breach of a condition under this section, the owner for the time being of the dwelling or house shall pay to the Council on demand the full amount of the grant aid paid in respect of the property.
- 7.4 The Council may has the right to exercise discretion and in so doing may determine not to make such a demand or may demand a lesser amount.
- 7.5 Any condition in this appendix shall cease to be in force with respect to any premises if there is a relevant disposal of the premises, which is an exempt disposal other than a vesting under a will or on intestacy.

8 Repayment of Costs to Torfaen County Borough Council

8.1 If at any time while a condition of participation remains in force-

- a) the applicant pays the cost of the grant to the Torfaen County Borough Council
- b) a mortgagee of the premises being a mortgagee entitled to exercise a power of sale, makes such a payment
- c) the Torfaen County Borough Council determined not to demand payment on the breach of a condition, or
- d) the Torfaen County Borough Council demand payment in whole or in part on the breach of a condition and that demand is satisfied

these conditions will cease to have effect from the date that payment is received by the Council.

Meaning of Relevant and Exempt Disposal for the purposes of Group Repair and Torfaen Renovation Grant

9 Relevant Disposal

9.1 A disposal is a relevant disposal for the purpose of Group Repair and Torfaen Renovation Grant (TRG) if it is;

- a) a conveyance of the freehold or a consignment of the lease or
- b) the grant of a lease (other than a mortgage term) for a term of more than 21 years otherwise than at a rack rent

9.2 For the purposes of subsection 9(b) it shall be assumed

- (a) that that any option to renew or extend a lease or sublease, whether or not forming part of a series of options, is exercised, and
- (b) that any option to terminate a lease or sublease is not exercised

The grant of an option enabling a person to call for a relevant disposal shall be treated as such a disposal made to him

10 Exempt Disposal

10.1 A disposal is an exempt disposal for the purpose of Group Repair and TRG if it is a disposal of the whole or part of its premises to which the application relates of any of the following descriptions:

- a) a vesting in a person under a will or intestacy.
- b) A disposal in pursuance of any such order as is mentioned in section 10.2
- c) A disposal of property consisting of land included in the dwelling by virtue of section 184 of the Housing Act 1985.
- d) A conveyance of the freehold or an assignment of the lease where:
 - i) the person making the disposal is aged at least 70
 - ii) the disposal is to provide an income, and
 - iii) the person concerned is entitled to continue to occupy the premises as his only or main residence.

10.2 The orders referred to in 10.1 are orders under:

- a) section 24 or 24A of the Matrimonial Causes Act 1973
- b) section 2 of the Inheritance (Provision for Family and Dependents Act 1975)
- c) section 17 of the Matrimonial and Family Proceedings Act 1984
- d) paragraph 1 of Schedule 1 to the Children's Act 1989

11 Provisions Relating to the Death of Applicant

11.1 References to the applicant in this appendix, in relation to either a Group Repair Scheme or Torfaen Renovation Grant shall be constructed in relation to any time after his death as a reference to his personal representative.

11.2 Where the applicant dies after liability has been incurred for any preliminary or ancillary charges, the Council may pay Group Repair or TRG in respect of some or all of those matters.

11.3 Where the applicant dies after the relevant works have begun and before the certified date the Council may pay Group Repair or TRG in respect of some or all of the works already carried out and other relevant works covered by the applicant.

Exceptions to Policy

- 12.1 The Council's policies are specific about the circumstances in which an application will be considered, how much grant aid it will provide and the conditions that will be applicable to the provision of grant aid. However it will consider each application on its individual merits even if it appears to fall outside the Council's policy.
- 12.2 *Therefore where there are exceptional circumstances and where the applicant is able to demonstrate exceptional hardship or provide very strong justification on the basis of need, the Council will give consideration to those circumstances.*
- 12.3 Anyone who feels that their application for grant aid has been refused unfairly or the amount of grant aid and the application of the relevant conditions should be reconsidered because of their particular circumstances will be entitled to a review. In these circumstances the matter will be referred to the Director for the Environment in consultation with the Executive Member for the Environment for a decision.

Appendix E

Enveloping Schemes in Torfaen

1 Designation of Properties

- 1.1 The Council will designate in a report those properties within the renewal areas that will be eligible to participate in a Council run Enveloping Scheme
- 1.2 Owners of the designated properties will be eligible to participate at the invitation and sole discretion of the Council
- 1.3 Nothing in this appendix will prevent the designation of Council owned or Housing Association Properties where it is considered necessary to do so in order to achieve the desired impact.

2 Persons Eligible to Participate

- 2.1 A person eligible to participate in an Enveloping Scheme if;
 - c) he has an owner's interest in a dwelling or other premises comprised in a building to which the scheme relates, and
 - d) as respects the dwelling or other premises in which he has an owner's interest he either-
 - iii) is able to give possession of any part of the building to which scheme works are proposed to be carried out, or
 - iv) has the consent of the occupier of that part to the carrying out of those works.

3 Assisted Participants and Occupation requirements for Private Owners

- 3.1 A person eligible to participate in an Enveloping Scheme as an assisted participant —

- a) if the owner's interest which he has is an interest in a dwelling and he gives an owner-occupation certificate or a certificate of intended letting, or
- b) if the owner's interest which he has is an interest in a house in multiple occupation and he gives a certificate of future occupation.

3.2 An owner-occupation certificate certifies that the person concerned —

- a) has an owner's interest in the dwelling, and
- b) intends that throughout the protected period he, or a member of his family, will live in the dwelling, as his (or that member's) only or main residence.

3.3 A certificate of intended letting certifies that the person concerned —

- a) has an owner's interest in the dwelling, and
- b) intends that throughout the protected period the dwelling will be let or available for letting as a residence and not for a holiday to someone other than a member of his family.

In paragraph (b) letting does not include a letting on a long tenancy.

3.4 A certificate of future occupation certifies that the person concerned —

- a) has an owner's interest in the house, and
- b) intends that throughout the protected period the house or a part of it (specified in the certificate) will be residentially occupied, or available for residential occupation, under tenancies by persons who are not connected with the owner for the time being of the house.

In paragraph (b) residential occupation does not include occupation for a holiday, and tenancies does not include a long tenancy.

4 Scheme Consent and Completion Certificate

4.1 Any person who participates in an Enveloping scheme will signify consent (scheme consent), in accordance with the terms of the scheme, to the proposals to carry out the works specified in the scheme.

4.2 No scheme works shall be carried out to a part of a building which consists of premises in respect of which no person eligible to participate has signified scheme consent unless it is necessary to do so in order to satisfactorily carry

out any works specified in the scheme to another property in the scheme in respect of which a person eligible to participate has signified scheme consent.

- 4.3 When the works specified in an Enveloping scheme are completed, Torfaen County Borough Council shall send to each assisted participant a certificate specifying the date on which the works were completed on his property to the satisfaction of Torfaen County Borough Council.

In this section that date is referred to as the completion date .

5 Payment of grant

- 5.1 Where Torfaen County Borough Council have approved an Enveloping Scheme Group they shall pay the grant: -

- c) in whole after completion of the eligible works or
- d) in part by means of no more than two interim payments as the works progress and the balance after completion of works

Where Group Repair aid is paid by instalments, the aggregate of the instalments paid before completion of the eligible works shall not exceed nine-tenths of the amount of the grant.

6 Payment of Grant: conditions as to carrying out of the works

- 6.1 The payment of grant is conditional upon the eligible works or the Corresponding part of the works being executed to the satisfaction of the Council

7 Payment of grant: Conditions as to contractors employed

- 6.1.1 It is a condition of every Enveloping Scheme that the eligible works are carried out by the contractor whose estimate accompanied the application or where another approved method for estimating costs has been approved by the appointed contractor and in accordance with the Council's standing orders, or in other cases where exemption to standing orders has been approved.

8 Payment to Contractor

- 8.1 Torfaen County Borough Council will make payment direct to the contractor in all cases.

9 Purpose of Enveloping Scheme

- 9.1 Torfaen County Borough Council may prepare a scheme for the carrying out of works-

- a) to put in reasonable repair the exterior of buildings comprising of or including living accommodation to which the scheme relates, or
- b) to render the buildings comprising of or including living accommodation to which the scheme relates structurally stable, or for both those purposes.

- 9.2 In the case of works to put in reasonable repair the exterior of the buildings to which the scheme relates, the works must be —

- a) works to the exterior of the buildings comprising of or including living accommodation to which the scheme relates, or
- b) so far only as may be necessary to give satisfactory effect to such works, additional works to other parts of the buildings, and must be such that on completion of the works the exterior of the buildings comprising of or including living accommodation will be in reasonable repair.

- 9.3 In the case of works to render the buildings comprising of or including living accommodation to which the scheme relates structurally stable, the works must be —

- a) works to the structure or to the foundations of the buildings to which the schemes relates, or
- b) other works necessary to give satisfactory effect to such works, and must be such that on completion of the works the buildings will be structurally stable.

- 9.4 For the purpose of this section the exterior of a building means-

- a) any part of the building which is exposed to the elements of wind and rain or otherwise faces into the open air (including, in particular, roofs, chimneys, walls, doors, windows, rainwater goods and external pipework), and

- b) the curtilage of the building, including any wall within the curtilage which is constructed as a retaining wall or otherwise to protect the structure of the building

For purposes of this section the exterior of a building shall not be regarded as in reasonable repair unless it is substantially free from rising or penetrating damp.

10 Enveloping Conditions

The following sections only have effect with respect to the conditions of participation in an enveloping scheme.

Those conditions have effect for the period of ten years, beginning with the certified date of completion and referred to in this appendix as the protected period .

11 Condition on disposal of property

- 11.1 It is a condition of participation in an Enveloping Scheme that if, at any time after signifying scheme consent and before the end of the protected period, he makes a relevant disposal (other than an exempt disposal) of the premises in which he has an owner s interest at the date of the approval of the scheme, he shall pay to the Council on demand the full amount of the cost of the Enveloping works in respect of the property.
- 11.2 The Council will have the right to use discretion in respect of repayment of grant and may in so doing determine not to demand payment or to demand a lesser amount according to individual circumstances.
- 11.3 The condition under this section shall cease to be in force with respect to any premises if there is a relevant disposal of the premises that is an exempt disposal.

12 Conditions relating to the Occupation of the Property; Private Owners

- 12.1 It is a condition of participation in an Enveloping Scheme that;

- a) where the applicant gave an owner-occupation certificate, that throughout the protected period the dwelling is occupied in accordance with the intention stated in the certificate;
- b) where the applicant gave a certificate of intended letting, that throughout the protected period the dwelling is let or available for letting in accordance with the intention stated in the certificate; and
- c) where the applicant gave a certificate of future occupation, that throughout the protected period the house is residentially occupied, or available for residential occupation, in accordance with the intention stated in the certificate.

12.2 It is also a condition participation in an Enveloping Scheme that if at any time when any of the above conditions is in force the Council serve notice on the owner of the dwelling or house requiring him to do so, he will within the period of 21 days beginning with the date on which the notice was served furnish to the Council a statement showing how that condition is being fulfilled.

12.3 In the event of a breach of a condition under this section, the owner for the time being of the dwelling or house shall pay to the Council on demand the full amount of the grant aid paid in respect of the property.

12.4 The Council may has the right to exercise discretion and in so doing may determine not to make such a demand or may demand a lesser amount.

12.5 Any condition in this appendix shall cease to be in force with respect to any premises if there is a relevant disposal of the premises which is an exempt disposal .

13 Repayment of Cost of Enveloping Works

13.1 If at any time while a condition of participation remains in force-

- a) the participant pays the cost of the Enveloping Works to the Torfaen County Borough Council
- b) a mortgagee of the interest of the participant in the premises being a mortgagee entitled to exercise a power of sale, makes such a payment
- c) the Torfaen County Borough Council determines not to demand payment on the breach of a condition of participation, or
- d) the Torfaen County Borough Council demand payment in whole or in part on the breach of a condition of participation and that demand is satisfied

these conditions will cease to have effect from the date that payment is received by the Council.

14 Relevant, Exempt disposal and Provisions relating to Death of Applicant

- 14.1 The provisions in Appendix D relating to Group Repair and TRG will apply equally to Enveloping Schemes carried out by Torfaen County Borough Council.

Exceptions to Policy

The Council's policies are specific about the circumstances in which an application will be considered, how much grant aid it will provide and the conditions that will be applicable to the provision of grant aid. However it will consider each application on its individual merits even if it appears to fall outside the Council's policy.

Therefore where there are exceptional circumstances and where the applicant is able to demonstrate exceptional hardship or provide very strong justification on the basis of need, the Council will give consideration to those circumstances.

Anyone who feels that their application for grant aid has been refused unfairly or the amount of grant aid and the application of the relevant conditions should be reconsidered because of their particular circumstances will be entitled to a review. In these circumstances the matter will be referred to the Director for the Environment in consultation with the Executive Member for the Environment for a decision.

Appendix F

DEPARTMENT FOR THE ENVIRONMENT
ENVIRONMENTAL PROTECTION TEAM

PUBLIC HEALTH TEAM
HOUSING ENFORCEMENT POLICY

Preface

The Council has adopted the Enforcement Concordat and committed to develop a mechanism to demonstrate good practice in enforcement.

The aim of this Enforcement Policy is to ensure that people who own and rent property in the County Borough are aware of what they can expect from the Council's Enforcement Officer. Above all, it commits Torfaen County Borough Council to good enforcement practices and procedures.

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Appendix A

Provisions of the legislation

1.0 INTRODUCTION

The Public Health Team is part of the Environmental Protection Section of the Department for the Environment.

The primary function of Central and Local Government enforcement work is to protect the public, the environment and groups such as consumers and workers. At the same time, carrying out those enforcement functions in a consistent, practical and equitable manner to promote national and local economy. In doing so, the team helps to achieve the aims of the Department's Mission Statement

The Mission Statement of the Department for the Environment is

The department will seek to improve the overall quality of life in Torfaen, significantly and continuously.

In particular, we will significantly enhance and protect Torfaen's built and natural environment, thus contributing to the increased health and well being of all who live in, work in, or visit the area

Torfaen County Borough Council's Public Health Service carries out a wide range of legal duties under various Acts and Regulations. These are enforced by carrying out programmed inspections, responding to complaints and offering advice. It is intended to ensure that we deal with everyone in a consistent way.

Non-compliance with statutory requirements will be followed up in accordance with this Enforcement Policy

The role of the services provided are detailed below.

1. To improve and maintain the standard of Private sector Housing in Torfaen
2. To deal effectively with complaints
3. To secure neighbourhood improvement
4. To provide a customer focussed quality service
5. To ensure effective corporate and strategic well being
6. To target resources/services to areas most in need

The Public Health Team provide both a reactive and a proactive service, in order to facilitate improvements to homes and neighbourhoods. All requests for service and referrals are investigated and dealt with through informal and/or enforcement action.

In the case of **reactive** work, the Section will respond to:

- ★ private sector tenants who contact the Council complaining about disrepair in the properties they live in.
- ★ complaints about properties that are causing problems for neighbouring properties where we are able.
- ★ Complaints about unsatisfactory caravans and caravan sites
- ★ Complaints about unsatisfactory private drainage systems
- ★ Complaints of rodent infestations and any associated accumulations and overgrown land

Proactively, we will

- ★ seek to identify houses in multiple occupation (HMOs) by carrying out surveys of the district
- ★ carry out a programme of inspections of HMOs and caravan sites

2.0 PRINCIPLES OF GOOD ENFORCEMENT

We consider the following principles as the basis for good enforcement

◆ OPENNESS

We will provide information and advice in plain language and as far as possible, avoid jargon.

We will be open about how we do our work and in particular how we set our charges for enforcement. We will always discuss general issues, specific failures or problems with anyone who has been enforced against.

We will seek to ensure that people understand what is expected of them as well as knowing what they can expect from us.

◆ HELPFULNESS

Our staff will provide a courteous and efficient service. All staff who visits properties will identify themselves by name and carry identification cards.

We will always provide a contact point and telephone number for further dealings with Officers.

◆ **PROPORTIONALITY**

Where we can, we will endeavour to minimise the costs of compliance with notices by ensuring action we take is proportionate to the risks. We will work with the property owners so that they can meet their legal obligations without unnecessary expense.

Similarly, any sanctions we impose will take account of the seriousness of the offence.

◆ **CONSISTENCY AND FAIRNESS**

Officers will carry out their duties in a fair and consistent manner. To this end, we will develop and put in place, procedures for the range of enforcement activities we carry out and ensure that Officers follow such procedures.

Although Officers have to exercise judgement in individual cases, we will ensure that procedures, wherever possible, are the same and people are treated equitably.

◆ **SERVICE COMPLAINTS**

In cases where disputes cannot be resolved the council has in place, a corporate complaints procedure. Details of the procedure can be obtained from the Council at the Civic Centre.

3.0 LEGISLATION

This chapter lists the legislation commonly enforced by the Public Health Team and the provisions of the legislation are outlined in more detail in Appendix A. It is not an exhaustive list but is the legislation that is most in use. It should also be noted that this is not a definitive interpretation of the legislation and does not provide a full statement of the law. It is simply a summary.

3.1 Public Health Act 1936

Section 45 Defective sanitary conveniences
Section 50 Overflowing and leaking cesspits
Section 79 Removal of noxious matter
Section 83 Cleansing of filthy or verminous premises
Section 269 Licensing of camping sites

3.2 Prevention of Damage by Pests Act 1949

Sections 3-7 Control of rats and mice

3.3 Caravan Sites and Control of Development Act 1960 Part 1

Sections 1, 5 & 9 Licensing of Caravan sites

3.4 Public Health Act 1961

Section 17 - Repair of Drains, Private Sewers
Blocked Drains, Private Sewers

3.5 Local Government (Miscellaneous Provisions) Act 1976

Section 16 — Requisition for Information

Section 33 — Restoration or continuation of supply to gas, water or electricity

Section 35 — Removal of obstructions from private sewers

3.6 Protection from Eviction Act 1977

Section 1 — Unlawful eviction and harassment of occupier

3.7 Local Government (Miscellaneous Provisions Act 1982

Section 29 Protection of buildings

3.8 Building Act 1984 Notices

Sections 59 & 60	Defective drainage to existing buildings
Section 64	Sanitary conveniences: provision/ replacement
Section 72	Means of escape for certain high buildings
Section 76	Defective premises
Section 79	Ruinous and dilapidated buildings
Section 84	Paving of yards and passages

3.9 Housing Act 1985

Section 189	Repair Notice in respect of unfit houses
Section 190	Repair Notice in respect of a house in a state of disrepair
Section 264	Power to make a closing order
Section 265	Power to make a demolition order
Section 289	Declaration of clearance area
Section 346	Registration schemes for houses in multiple occupation
Section 352	Power to make a house in multiple occupation fit for the number occupants
Section 352A	Recovery of expenses
Section 354	Power to limit the number of occupants in a house
Section 368	Power to prevent part of a house being used
Section 372	Power to require works to be carried out to remedy management neglect
Section 377A	Works Notices: improvement and enforcement procedures
Section 379	Making a control order

3.10 Environmental Protection Act 1990

Section 80 Statutory nuisances

3.11 Criminal Justice and Public Order Act 1994

Sections 77-80 Removal of unauthorised campers.

3.12 The Housing (Fitness Enforcement Procedures) Order 1996

Article 3 Right to make representations

3.13 Housing Grants, Construction and Regeneration Act 1996

Sections 81 & 84 Deferred action Notices
Section 87 Power to charge for enforcement action

4.0 Enforcement

The actions available to the Public Health Team to improve the standards of private sector housing are broadly divided into two categories: -

- Informal action
- Formal action

The sanctions available, should people not comply with legislative requirements, include: -

- Work in default
- Formal caution
- Prosecution

By exercising its powers of delegation, the Council has authorised Public Health Officers to carry out enforcement action and to progress the imposition of sanctions on its behalf.

The procedures outlined below are set out in detail in the Department for the Environment General Enforcement Policy.

4.1 ENFORCEMENT ACTION

4.1.1 Informal Action

Informal action will include verbal advice given by Officers, advisory letters and minded to notices.

The Public Health Team has, or is in the process of producing a number of booklets for tenants and landlords advising them on their rights and obligations. These are, or will be available at no cost from the Council Offices.

In considering the representations made by the recipient of minded to notices, consideration will be given to the track record (if any) of the person (or company). In particular, officers will consider whether any Notices (either informal or formal) have had to be served in the past, the recipient's response to them and the ability and willingness of the recipient to keep to agreed timetables of work.

It should be noted that it is not always possible to adopt an informal approach especially where the legislation requires formal action to be taken straight away. An example of this is the service of a Notice under Section 80 of the Environmental Protection Act 1990 where there is a statutory nuisance.

4.1.2 Formal Action

Formal action involves the serving of Notices. Most Notices served by the Public Health Team require the recipient of the Notice to commence and complete specified works within specified time limits.

All Notices have notes with them that explain the effect of the Notice and the recipient's right of appeal. Officers will always be willing to discuss the works specified in the Notice and the reason for the service of the Notice.

4.2 Sanctions

If the recipient of a Notice does not comply with the Notice, the Council has various sanctions it can impose. Depending on the type of Notice that is served, non-compliance can be: -

- not doing any work at all,
- not starting the work by the time specified within the Notice,
- starting the work but then not making reasonable progress, or
- starting the work and then not finishing it.

4.2.1 Work in Default

Work in default is a power given to the Council, to ensure that work is carried out to a property. If the recipient of the Notice does not do the work required by the Notice, the Council is able to employ a contractor to enter the property and carry out the work itself. If the Council has to do this, it will charge the appropriate person for the cost of the works together with the costs involved in arranging for the work to be done.

It should be noted that carrying out work in default does not exclude the Council from either issuing a formal caution or prosecuting the offender. The Council is entitled to ensure that the work is carried out and Officers will then also consider if it is appropriate to take further action.

There are various methods, by which the Council can recover the costs incurred in carrying out work in default, dependent on the type of Notice that has been served.

- Sundry Debtor Method

Using this method, the Council will send the appropriate person an invoice requesting payment. If this is not paid within 14 days, a reminder invoice is sent requesting payment within 7 days. If the invoice is not paid, details are passed to the Credit Protection Agency (CPA) to recover the outstanding balance. Depending on the size of the debt, action will be taken in the County Court or written off if it not economical to recover the debt.

- Charge on the Property

Whenever legislation allows, a charge will be put on the property, which means that when the property is sold, the Council will expect to be paid the amount of the debt, plus interest. This is usually a very slow method of recovering money. The Council has 12 years from the date the work was carried out in default to recover the debt.

- Sequestering Rents

The Council is entitled to serve a Notice on the appropriate person to reclaim the costs of the work in default. If this Notice is not complied with (i.e. the costs are not paid) the Council can then serve a Notice on the tenant requiring him to pay the rent direct to the Council until such time as the costs are recovered.

- Forcing Sale of the Property

The ultimate method by which the Council can reclaim its costs is to force the sale of the property. The proceeds of the sale will be given to the owner less the amount owed for the work in default and less the amount incurred by the Council in selling the property.

4.2.2 Formal Caution

An alternative to prosecuting a person is the issuing of a formal caution. A formal caution is where an offender is given written details of the offence and he / she signs to say that he / she admits the offence. It is not a form of sentence.

A record of the caution is kept at the Council for a period of 3 years and it may subsequently influence a decision to instigate proceedings should the offender break the law in the future. It may also be cited if the Council takes legal action for a subsequent offence.

4.2.3 Prosecution

Non-compliance with any of the Notices referred to in Appendix A of this policy document is generally a criminal offence. The Council is the prosecuting authority for such offences and as they are criminal in nature, proceedings are taken in the Magistrates Court.

4.3 Shared Enforcement Responsibility

In circumstances where enforcement responsibility is shared between enforcement agencies, the Public health Team will have regard to procedures agreed with other enforcement agencies, particularly where memoranda of understanding exists.

In some cases, enforcement powers will rest with another agency (for example, the Health & Safety Executive has enforcement of gas safety in domestic property). In these situations, the Public Health Team will act to ensure that the case is transferred to the enforcing agency promptly and in accordance with any agreed procedures.

5.0 Taking Action and Imposing Sanctions

In deciding when to take action and when to impose sanctions, Officers of the Public Health Team will have regard to the guidelines in the sections below.

The decision to take informal or formal action will be made by the individual Officer, in consultation with the Principal Officer, Public Health and the Head of Environmental Health.

The decision to execute work in default will be made by the individual Officer in consultation with Principal Officer Public Health.

Section 352 of the Housing Act 1985 to improve fire safety in a house in multiple occupation. We are required by law to consult with the Fire Authority.

The Public Health Team takes into account those situations where consultation with other bodies is required.

In deciding whether to issue a formal caution or proceed with a prosecution, the final decision will be made by the Head of Environmental Protection in consultation with the Council's solicitor.

5.1 When We Will Take Enforcement Action

As has been previously mentioned in this document, there are occasions when the Public Health Team must take formal action because the legislation requires them to. In particular, this is the service of a Notice under Section 80 of the Environmental Protection Act 1990.

On other occasions, Officers are required to take informal action first by serving minded to Notices.

In other situations, there is a presumption that Notices will be served if the criteria set down in the legislation are met. However, this presumption can be rebutted depending on the circumstances of the case. As cases vary so much, it is difficult to be prescriptive about when Officers will not serve Notices. Each case is looked at individually and the following factors taken into account:

- the effects of the situation on the health and safety of those affected;
- the intentions of both the landlord and tenant in respect of letting the property;
- any previous complaints about the owner of the property or his agent;
- the future life of the property; and
- the willingness of the owner to put right any problems without the need for formal enforcement action.

This is not an exhaustive list.

Where Officers are required to serve certain formal Notices under the Housing Act 1985, the Council will usually charge the recipient of the Notice in order to recover its reasonable administrative expenses incurred in serving the Notice.

In some cases, the Council is required to consult with other bodies when taking enforcement action. An example of this is where we take action under Section 352 of the Housing Act 1985 to improve fire safety in a house in multiple occupation. We are required by law to consult with the Fire Authority.

The Public Health Team takes in to account those situations where consultation with other bodies is required.

5.2 When We Will Impose Sanctions

In all cases where an offence is committed, consideration will be given by Officers as to whether a sanction should be imposed, and if so, which one. In some cases it may be appropriate to impose two sanctions for example, carrying out work in default and also prosecuting the offender.

5.2.1 Work In Default

In determining if work in default is appropriate, Officers will consider the following: -

- the effects of not carrying out the work on the health and safety of the occupant of the property concerned, or on a neighbouring property;
- the wishes of the tenant where the Notice has been served in respect of a rented property; or
- the reason for the work not being carried out in the first place.

Again this not an exhaustive list and other factors may be taken into account.

5.2.2 Caution or Prosecution

The decision to either offer a formal caution or take a prosecution is one that is not taken lightly. Officers recognise that their decision is significant and could have far reaching consequences upon the alleged offender and others.

Each case that an Officer deals with is unique and must be considered on its own facts. However, there are general principles that apply to the way in which Officers decide whether a sanction should be applied and if so, which one. The decision to offer a formal caution or to take a prosecution will be made by Officers of the Public Health Team, in consultation with the Council's legal Services Department.

In deciding whether to proceed with a caution or a prosecution, the Public Health Team's enforcement policy reflects advice and guidance laid down in two

documents - the Code for Crown Prosecutors and the Home Office Circular 18/1994 - Cautionary of Offenders.

The Code for Crown Prosecutors is issued by the Director of Public Prosecutions and gives guidance on the general principles to be applied when making decisions about prosecutions. The Home Office Circular is issued by the Home Office and gives advice on formal prosecutions.

Although neither is directly applicable to the Council, the Public Health Team adopts the principles laid down in them.

There are two overarching tests used by the Section in determining whether to impose a sanction. These are the evidential test and the public interest test.

5.2.2.1 The Evidential Test

Officers must be satisfied that there is enough evidence to provide a realistic prospect of conviction. This is an objective test and means that a court is more likely than not to convict the offender of the charge alleged.

In deciding whether there is a realistic prospect of conviction, consideration is given to matters such as: -

- is the evidence admissible in court? There are certain legal rules that might mean that evidence that seems relevant might not be used at a trial.
- is the evidence reliable? Officers have to consider whether there is evidence that may detract or support any admission by the offender. Equally, Officers have to consider the witnesses they may use and whether there are concerns about their accuracy or credibility.

5.2.2.2 The Public Interest Test

If the evidential requirements are met, Officers must then consider whether the public interest requires a prosecution. It is not the case that Officers will prosecute simply because an offence has been committed. There should generally be a public interest in bringing such an offence to Court.

The following are examples of factors taken into account when determining public interest but the list is not exhaustive: -

- the seriousness of the offence. In housing terms this will mean Officers looking at the effect of not complying with the Notice for example.
- whether there was violence used in the commission of the offence.
- the vulnerability of the victim of the offence. Again, this is a particularly important consideration when harassment or unlawful eviction has also

occurred. Although offences of this type are not acceptable regardless of the victim, it is considered even less acceptable if the victims are elderly, suffering ill health or disability or have young children.

- whether the offence was motivated by discrimination. Consideration as to the nature of the sanction imposed will be determined by whether the offender was motivated by any form of discrimination against the victim's ethnic or national origin, sex, religious beliefs, political views or sexual orientation.
 - the history of the offender. In particular, Officers will have regard to whether Notices have been served in the past, the response to those Notices and any previous housing based convictions.
 - the likely penalty. Consideration will be given to whether the offence is such that it would only attract a nominal penalty from the Courts.
-
- reason for the offence occurring. Although there may be, on the face of it, a breach of law, there may be a statutory defence available in housing offences. For example, failure to comply with a Section 189 Housing Act Notice is only an offence if the person intentionally failed to comply with it. Other factors may be considered though. For example, if the offence results from genuine mistake or misunderstanding these may be factors against prosecution but this would be balanced against the seriousness of the offence.

In addition to the two tests, there are certain conditions that must exist before a caution can be administered, namely: -

- 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 must understand the significance of the caution and give his informed consent to accepting the caution.

If any of the above criteria are not met, the Council will not consider the issuing of a formal caution. Above all, a caution will not be used as a substitute for a prosecution that would otherwise be unsustainable.

6 Procedures, Contacts and Complaints

6.1 What you can expect from us

- We will be objective to ensure that our decisions are not influenced by the gender, ethnic origin, religious or political beliefs, or sexual preferences of any alleged offender.
- We will enter into discussion and offer advice to anyone to try to ensure that they do not unnecessarily expose themselves to the possibility of formal action through a lack of understanding, or information.

- We will be consistent in our approach by following the criteria and guidance set down in relevant legislation, codes of practice and the written procedures and work instructions.
- We will ensure that before deciding to offer a formal caution, or take a prosecution, the case will be subject to independent review by a senior manager.
- We will provide a courteous and efficient service and our staff will identify themselves by name when they visit you, or speak to you on the telephone.

6.2 How to complain if you are unhappy with our service

If you are dissatisfied with the service you have received, please let us know. We are committed to providing quality services and your suggestions and criticisms about any aspect of our service will help us to do this. We will deal with any complaint you have in strict confidence.

- What we will do

Wherever possible we will attempt to resolve your complaint informally through the case officer or Principal EHO (Public Health). If we cannot do this, we aim to respond in writing to you within 5 working days of receiving your complaint. We will keep you regularly updated of progress until your complaint is resolved.

- If you are still not happy

If you are still unhappy with the outcome, please tell us and we will make sure your complaint is brought to the attention of the management who will arrange for the case to be reviewed. Our Corporate Complaints procedure is available on request. Alternatively, you can discuss your complaint with your local Ward Councillor, or Member of Parliament.

- The Local Government Ombudsman

If you think that we have unfairly treated you, you can ask the Local Government Ombudsman to investigate.

6.3 How to contact us

- By telephone

You can use the telephone number given on any correspondence we have sent you, or you can contact us on (01495) 762200.

- In person

At County Hall, Croesyceiliog, Cwmbran.

- In writing

You can write to us at the following address: - Environmental Protection Team, Planning & Environmental Protection Division, Department for the Environment, County Hall, Croesyceiliog, Cwmbran, Torfaen, NP44 2WN.

- By e-mail

anne.garratt@torfaen.gov.uk

7.0 Monitoring the Policy

It is essential that in setting a policy for Officers to follow, it should be followed. To ensure that Public Health Officers comply with this enforcement policy, cases will be monitored by the Principal Environmental Health Officer (Public Health) who will check files to ensure that the necessary considerations have been given to a case and that the appropriate documentation is in place on file.

Variations or deviations from the policy will be reported by the Principal Environmental Health Officer (Public Health) to the Head of Environmental Protection.

A final report will also appear in the Best Value Performance Plan at the end of the financial year.

Appendix A

Public Health Act 1936

Section 45 Defective sanitary conveniences

This Section is used by the Council to deal with closets provided in a building which are in such a state as to be prejudicial to health or a nuisance and can be, without reconstruction, be put into a satisfactory condition.

Section 50 Overflowing and leaking cesspools

This Section can be applied by the Council to any leaking or overflowing cesspool even though the situation may not be prejudicial to health, or a nuisance. It does not apply in relation to the effluent from a properly constructed tank for the reception and treatment of sewerage, provided that the effluent is not prejudicial to health, or a nuisance.

Section 79 Removal of noxious matter

This procedure may be used by the Council where the proper officer of the Local Authority considers that any accumulation of noxious matter ought to be removed.

Section 83 Cleansing of filthy or verminous premises

This Section is used by the Council to require the cleansing of filthy or verminous premises, except those forming part of a mine or quarry, but including ships, boats, vans and sheds.

Section 269 Licensing of camping sites

This Section is enforced by the Council in respect of all moveable dwellings other than caravans, and licences are required for: -

- (a) The use of land for camping purposes on more than 42 consecutive days or more than 60 days in any 12 consecutive months, or
- (b) The keeping of a moveable dwelling on any one site, or two or more sites in succession if any one of those sites is within 100 yards of another of them, for more than the same periods as in (a).

Prevention of Damage by Pests Act 1949

Sections 3-6 Control of rats and mice

The Council has a legal duty to secure, as far as practicable, that the district is free from rats and mice.

Section 3 Where an occupier of land becomes aware of a substantial infestation he must notify the Local Authority in writing (except agricultural land).

Section 4 Where a Council becomes aware of an infestation i.e. By inspection they can serve a Notice on the owner or occupier requiring works: either treatment or structural or other work.

Section 6 Where groups of premises in different occupations are affected the Council may take necessary steps (other structural works) after giving 7 days notice to each occupier specifying the steps which it intends to take.

Caravan Sites and Control of Development Act 1960

Sections 1 & 5 Licensing

The use of land as a caravan site usually requires a Caravan Site Licence (unless its use is within the curtilage of, and incidental to, a dwelling house) and the Council may impose site licence conditions. Sites licences have been issued in accordance with the guidelines set down in the model stands and consultation with the site owner.

Section 9

This enables the Council to take enforcement action where site licence conditions are not being met. Whenever possible, the Public Health Officer will discuss any contraventions with the site operator at the time of inspection of the site and will in any case notify the site operator in writing shortly afterwards. Reasonable time scales will be allowed for each contravention to be put right.

Public Health Act 1961

Section 17 Repair of drains and private sewers

- (a) This Section allows the Council to serve a Notice in respect of a drain, private sewer, watercloset etc which is not sufficiently maintained and kept in good repair when the cost of repair does not exceed £250
- (b) It also allows the Authority to serve a Notice on the owner of premises at which a drain is stopped up requiring the remedying of the defect within 48 hours.

Local Government (Miscellaneous Provisions) Acts 1976

Section 16 Requisition for information

When we need to obtain information about a property in respect of which we are proposing to take enforcement action, we will serve a requisition for information on the occupier and/or any person who has a legal interest in it, or who directly or indirectly receives rent, or is authorised to manage or arrange for its letting.

We will always indicate the Act and section of the Act that we are proposing to enforce. Generally speaking, a Requisition for Information is served at an early stage to ensure that we are corresponding with the correct person(s) but where the Council feel that urgent enforcement action is necessary it may be served at the same time as a formal Notice.

Section 33 Restoration or continuation of supply of gas, water or electricity

If any premises in the district are occupied as a dwelling and the supply of water, gas or electricity to the premises: -

- (a) is cut off as a consequence of failure to pay a sum payable by him in connection with the supply; or
- (b) is in the opinion of the Council likely to be cut off in consequence of such failure.

The Council may, at the request in writing of the occupier of the premises may make such arrangements with the undertakers who provided the supply to restore it

Section 35 Blocked private sewer

This procedure allows the Council to serve a Notice requiring the unblocking of the sewer on the owner or occupier of all premises draining into it.

Protection from Eviction Act 1977

Section 1 Unlawful eviction and harassment of occupier

This Section creates the offences of unlawful eviction and harassment of a residential occupier. Torfaen County Borough Council is a prosecuting authority for the purposes of this Section and it is the Public Health Officer who investigates claims of unlawful eviction and harassment. The Council can prosecute landlords, agents or others who contravene this Section.

Local Government (Miscellaneous Provisions) Acts 1982

Section 29 Power to board up empty/derelict property

Empty property can be the target for vandals particularly if it is neglected. The Council is able to require the owner to board up a property to prevent unauthorised access and carry out the work in default if the owner fails to comply or cannot be found. In certain circumstances, they can carry out the works without serving a Notice.

Building Act Notices

Sections 59 & 60 Defective drainage to existing buildings

This Section allows the Authority to serve a Notice on the owner or occupier of a premises where: -

- (a) satisfactory provision has not been made
- (b) a necessary drainage appliance is insufficient or in such a condition as to be prejudicial to health or a nuisance, whether in use or formerly used.

Section 64 Sanitary Convenience: Provision / Replacement

If it appears to the Local Authority that a building, or part of a building that is occupied as a separate dwelling is without sufficient closet accommodation, or that any closets provided are in such a state as to be prejudicial to health, or a nuisance and cannot, without reconstruction be put in a satisfactory condition, they shall, by Notice, require the provision of satisfactory or adequate closets.

Section 72 Means of escape for certain high buildings

The Council are under an obligation to require the means of escape in case of fire in buildings of more than two storeys where any upper storey is more than twenty feet from the ground. This requirement applies in respect of a building which is let:-

- (a) in flats
- (b) used as a hotel, hospital or other institution
- (c) is used as a restaurant, shop, store or warehouse and has an upper floor sleeping accommodation for persons employed on the premises.

Section 76 Defective premises

The Council use this Section to require the remedying of premises in such a defective state as to be prejudicial to health, or a nuisance without the necessity of following the Statutory Nuisance procedure where it is considered that unreasonable delay would result from following such procedure.

Section 79 Ruinous and dilapidated buildings

If a building or structure is in a ruinous or dilapidated condition, seriously detrimental to the amenities of the neighbourhood, then the Council may, by Notice, require the owner to reinstate the building, or if he elects to demolish the building and remove any resulting materials.

Section 84 Paving of yards and passages

The Council may use this Section to ensure that a courtyard or passage giving access to a building is so constructed so as to allow satisfactory drainage of surface or foul water to a proper outfall.

Housing Act 1985

Section 189 Repair Notice in respect of unfit houses

Where a Council finds a property that is unfit to live in, it is under a duty to take the most appropriate course of action. The service of Repair Notices is one of the actions that can be taken.

A Repair Notice under this section requires the recipient of the notice (usually the owner but not in all cases) to carry out certain works within a specified timescale. If the notice is not complied with, the Council can carry out the work in default and recharge the person upon whom the Notice was served. Not complying with a Notice is a criminal offence and the Council is able to prosecute the person who received the notice **if** he has intentionally failed to comply with it.

Section 190 - Repair notice in respect of a house in a state of disrepair but not unfit

If the Council finds properties that are not unfit but are in substantial disrepair or interfere with the personal comfort of the tenant, it can serve a notice requiring work to be carried out within specified time limit. Again, if the notice is not complied with, the Council can carry out the work in default and recharge the person upon whom the Notice was served. Not complying with a section 190 notice is also a criminal offence **if** it can be shown that the person intentionally did not comply with it

Section 264 Power to make a Closing Order

Another option available to the Council if it finds an unfit property, is to make a Closing Order. A closing order prevents the property from being used for any purpose not approved by the Council. This will mean that the property can not be rented out for residential use. This situation will continue until the property is made fit (i.e. work is carried out).

It is a criminal offence to use a property that has been closed for any purpose not approved by the Council. In practice, this means that if a property is rented out whilst there is a Closing Order on it, the landlord can be prosecuted by the Council.

Section 265 Power to make a demolition order

Yet another option for the Council to deal with unfit properties is demolition. A demolition order requires the property to be vacated within a specific time and subsequently demolished. It is a criminal offence to allow the property to be occupied after the demolition order has come into effect. If the person upon whom the order has been served does not demolish the building, the Council can demolish it instead and recharge the person accordingly.

Section 289 Declaration of clearance area

A clearance area is an area that is to be cleared of all buildings. The Council shall declare an area to be a clearance area if all the buildings in the area are classed as unfit by virtue of their bad arrangement are dangerous. The Council is required to consult on the declaration of a clearance area and publish its intentions. Owners and in certain cases, occupiers of properties are compensated accordingly.

Section 346 Registration schemes for houses in multiple occupation

This section allows a Local Authority to make a registration scheme for houses in multiple occupation. It requires owners of certain houses in multiple occupation to register their properties with the Council. Failure to do so is a criminal offence

Section 352 Power to make a house in multiple occupation fit for the number of occupants

Where a house in multiple occupation fails to meet standards with respect to amenities and fire safety, the Council is under a duty to serve a notice requiring work to be carried out to bring the property up to a standard where the property is 3 or more storeys. In other cases (i.e. where the properties are less than 3 storeys in height) the service of a notice is discretionary.

The notice will require certain works to be carried out within specified time limits. If the notice is not complied with, the Council can carry out the work in default and recharge the person upon whom the notice was served. Not complying with a notice is a criminal offence and the Council is able to prosecute the person who received the notice **if** he has wilfully failed to comply with it

Section 352A Recovery of expenses

Where the Council serves a Notice under section 352 of the Housing Act 1985, it is entitled to recover reasonable administrative expenses incurred in serving the Notice. The maximum the council can charge is £300. The actual charge is based on officer hours in dealing with the matter in particular determining whether to serve the Notice, identifying the works to be specified in the Notice and serving the Notice.

Section 354 Power to limit the number of occupants in the house

To prevent the situation arising where the council has to serve a Notice under Section 352 or to remedy a state of affairs justifying the service of such a Notice, the Council can limit the number of people living in the property. It does this by issuing a direction that specifies the maximum number of people that can live in the property in its existing condition. A person who does not comply with a direction (i.e allows more people than specified to live in the property) is guilty of a criminal offence **if** he is found to have knowingly not complied.

Section 368 Power to prevent part of a house being used

If the means of escape in a house in multiple occupation would be adequate if part of the house was not used, the Council can require that part of the house not to be used. It can do this in one of two ways. It can either accept an undertaking from the appropriate person or it can make a closing order. Knowingly breaching the undertaking or closing is a criminal offence.

Section 372 Power to require works to be carried out to remedy management neglect

This section allows the Council to serve a Notice in respect of a house in multiple occupation where there has been a breach of the Management Regulations. These Regulations are aimed at ensuring landlords manage and maintain houses in multiple occupation to a proper standard.

The Notice will require certain works to be carried out within specific time limits. If the Notice is not complied with, the Council can carry out the work in default and recharge the person upon whom the Notice was served. Not complying with a Notice is a criminal offence and the Council is able to prosecute the person who received the Notice **if** he has wilfully failed to comply with it.

Section 377A Works Notices: Improvement of enforcement procedures

Where the Council is going to serve a Notice a Notice under sections 352 or 372 of the Housing Act 1985, it must first serve what is referred to as a minded to Notice. This Notice advises the appropriate person of the action that the Council is considering taking and also advises them of the work that needs doing to bring the property up to a certain standard. The person is then entitled to make representations in respect of the Council's proposed actions. If the owner agrees to carry out the work within a reasonable time, the Council will usually not serve the section 352 or 372 Notice unless work is not progressed as agreed.

Section 379 Making a control order

Control orders apply only to houses in multiple occupation and can be made where the living conditions in the property are such that the health, safety and welfare of the tenants require protection. The making of a control order amounts to a virtual take-over of the property by the Council. The order allows the Council to take possession of the property and do anything (apart from sell the property) that needs to be done to bring the house up to a satisfactory standard.

Environmental Protection Act 1990

Section 80 Statutory nuisances

Section 79 of this Act lists what are statutory nuisances. As far as the legislation enforced by the Public Health Officers is concerned, a statutory nuisance is any house in such a state as to be prejudicial to health or a nuisance.

Prejudicial to health is defined as injurious or likely to cause injury to health. This typically includes properties that are damp or have mould growth, as dampness and mould growth can have an affect on people's health.

A nuisance is taken to be anything that interferes with the use and enjoyment of a neighbouring property or which materially affects the comfort and quality of life of the public at large. Examples of nuisances includes a hole in the roof of one property allowing rain to penetrate through and affect the neighbouring property or slates falling off a roof onto a footpath and thus endangering passers by.

Once the Council is satisfied that a statutory nuisance exists, or is likely to occur, it is under a duty to take action to deal with it. This means that Public Health Officers have to serve a Notice requiring the abatement of the statutory nuisance within certain time limits or preventing the occurrence of a statutory nuisance. In the case where the house is let, this is generally served on the landlord of the property.

If such a Notice is served and not complied with, the Council is able to carry out the necessary work in default and recharge the person upon whom the Notice was served. Not complying with a Notice is a criminal offence and the Council is able to prosecute the person who received the Notice **if** he does not have reasonable excuse for not complying with it.

Housing Grants, Construction and Regeneration Act 1996

Sections 81 & 84 Deferred Action Notices

Another option to deal with unfit properties is to serve a deferred action Notice. Such a Notice states that the property is unfit for human habitation but it does not require any work to be carried out. If a Notice is served by the Council, section 84 of the same Act requires the Council to review the Notice in not less than two years time and gives it the power to serve another deferred action Notice.

Section 87 Power to charge for enforcement action

Where the Council serves Notice under any of sections 189, 190, 264 and 265 of the Housing Act 1985 or sections 81 and 84 of the Housing Grants, Construction and Regeneration Act 1996, it is entitled to recover reasonable administrative expenses incurred in serving the Notice. The maximum the Council can charge is £300. The actual charge is based on officer hours in dealing with the matter, in particular determining whether to serve the Notice, identifying the works to be specified in the Notice and serving the Notice.

The Housing (Fitness Enforcement Procedures) Order 1996

Article 3 Right to make representations

Where the Council is going to serve a Notice under sections 189, 190, 264 and 265 of the Housing Act 1985 or sections 81 and 84 of the Housing Grants, Construction and Regeneration Act 1996, it must first serve what is referred to as a minded to Notice.

This Notice advises the appropriate person of the action that the council is considering taking and also advises them of the work that needs doing to bring the property up to a certain standard. The person is then entitled to make representations in respect of the Council's proposed actions. In the case of a section 189 or 190 Notice, if the Council can agree with the person a timetable for doing the work, the council will usually not serve the Notice unless the work is not progressed as agreed.

Criminal Justice and Public Order Act 1994

Section 77 Removal of unauthorised campers

This procedure is used by the Council to direct persons residing unlawfully in vehicles on highway, unoccupied and occupied land without the consent of the occupier, to leave the land and remove their vehicles and other property they have with them.

TORFAEN COUNTY BOROUGH COUNCIL
ENVIRONMENTAL MANAGEMENT DEPARTMENT
RENOVATION GRANT ENQUIRY
PRIORITY ASSESSMENT QUESTIONNAIRE

Your Name: (Mr/Mrs/Miss/Ms)

.....

Your partners name (if applicable)

.....

Address:

.....

..... Post Code

.....

Tel. No. Home: Work:

.....

PLEASE ANSWER ALL QUESTIONS

CURRENT OCCUPANCY

1. State if property is: Owner/Occupied [] Tenanted [] Vacant []

If Vacant, please state present address:

.....

.....

....

AND please explain why you are unable to live there:

.....

.....

....

2. Date of purchase:

.....

For Office Use Only

PRIORITY POINTING Eligible Registration Date:
.....

LONG TERM EMPTY HOMES STRATEGY

Priority Area YES [] NO []

Community Benefit YES [] NO []

Observations

.....

.....

.....

.....

.....

.....

.....

FACILITIES

For Office Use Only

1. Is the property provided with mains water supply?

YES [] NO [] DON T KNOW []

If NO, is there a water treatment system?

YES [] NO []

2. Is the property connected to the main sewage system?

YES [] NO [] DON T KNOW []

If NO, is there a properly constructed septic tank or cesspit?

YES [] NO []

3. Is the sanitary accommodation located:-

INTERNALLY [] EXTERNALLY [] BOTH []

4. Is there a bath or shower within the property?

YES [] NO []

5. Is there a wash hand basin within the property?

YES [] NO []

7. Are the bath/ shower and WC located within a room provided solely for their use?

YES [] NO []

7. Is hot water provided at:-

(a) Bath or shower YES [] NO []

(b) Wash hand basin YES [] NO []

(c) Kitchen sink YES [] NO []

**For Office
Use Only**

REPAIRS

8. Are any of the following parts of your property in a state of serious disrepair?

- | | | | |
|-----|-----------------------|---------|--------|
| (a) | Chimney stack(s) | YES [] | NO [] |
| (b) | Roof | YES [] | NO [] |
| (c) | Gutters and downpipes | YES [] | NO [] |
| (d) | Staircase | YES [] | NO [] |
| (e) | Walls | YES [] | NO [] |
| (f) | Windows | YES [] | NO [] |
| (g) | Doors | YES [] | NO [] |
| (h) | Floors | YES [] | NO [] |

IF YOU HAVE TICKED YES TO ANY OF THE ABOVE, PLEASE COMPLETE THE PINK DISREPAIR SUMMARY SHEET.

9. Has a damp proof course been inserted at the property?

YES [] NO []

If so when

10. Has the property been rewired?

YES [] NO []

If so when

**For Office
Use Only**

11. Have you, within the last two years received or sought a report on, or survey of your property in respect of:-

- (a) Structural stability YES [] NO []
- (b) Dampness YES [] NO []
- (c) Woodworm infestation YES [] NO []
- (d) Dry rot YES [] NO []
- (e) Electrical installation YES [] NO []

If you have answered YES to the above, please send in a copy of the report, or if not available, give brief details of the report and the organisation or individual who provided it.

12. Does the property have:-

- (a) Central heating (full/partial) YES [] NO []
- (b) Coal fires in main living rooms YES [] NO []
- (c) Gas fires in main living rooms YES [] NO []
- (d) Other (please specify)

13. Date property constructed

- (a) Before 1920 []
- (b) 1921-1940 []
- (c) 1941-1960 []
- (d) 1961 -> []

(Please tick one)

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PERSONAL CIRCUMSTANCE

14. Age of occupants:-

Name	Age
.....
.....
.....
.....

15. Are any of the occupants **REGISTERED** disabled?

YES [] NO []

Please give disabled persons name and state their relationship to you:

.....

16. Are you in receipt of:-

- (a) Income Support YES [] NO []
- (b) Council Tax Benefit (not Single)
- (c) Occupant Discount) YES [] NO []
- (d) Family Credit YES [] NO []
- (e) Disability Working Allowance YES [] NO []
- (f) Job Seekers Allowance YES [] NO []

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F U SD OF

DISREPAIR SUMMARY SHEET

Address:

.....

.....

<p>Please state each item of disrepair e.g. leaking roof, rotten windows, damp walls, electrical installations.</p> <p style="text-align: center;"><u>ITEMS OF DISREPAIR</u></p>	<p>Please state how the disrepair affects you and your property and why the problem cannot be resolved by routine maintenance.</p> <p style="text-align: center;"><u>EFFECTS OF DISREPAIR</u></p>
--	---

Please continue overleaf if necessary

I certify that this information is correct, to the best of my knowledge.

Signed: Date:

.....

Signed: **Date:**

.....

Please return to: Improvement Grants Section
Environmental Management Department
Floor 3
County Hall
Cwmbran
Torfaen
NP44 2WN

NOTE

YOUR PRIORITY ALLOCATION WILL BE ADJUSTED IF THE INFORMATION YOU SUPPLY IN THIS FORM IS FOUND TO BE INCORRECT . THIS MAY RESULT IN YOUR ENQUIRY BEING REFUSED OR DELAYED.

**TORFAEN COUNTY BOROUGH COUNCIL
DEPARTMENT FOR THE ENVIRONMENT
PROFILE FACTOR CONFIGURATION**

PRF V7.03c

Inspection type: P - Points system

Parameter No.: 1 - Fitness Water / Sewage / WC

Code	Description	Value
A		100
B		75
C		50
D		25

Parameter No.: 2 - Fitness - Amenities

Code	Description	Value
A		150
B		100
C		75
D		50

E 25

Parameter No.: 3 - Fitness Hot Water

Code	Description	Value
A		125
B		100
C		75
D		50
E		25

Parameter No.: 4 - Repair

Code	Description	Value
A	Unfit	99
B	Sub Disrepair	30
C	Minimal Works	5

Parameter No.: 5 - Date of Construction

Code	Description	Value
A	Pre 1920	10
B	1921 - 1940	5
C	1941 - 1960	2
D	1961 - Present	0

Parameter No.: 6 - Oldest Occupant

Code	Description	Value
A	85+	35
B	80 - 84	30
C	75 - 79	25
D	70 - 74	20
E	65 - 69	15
F	60 - 64	10

Parameter No.: 7 - Registered Disabled / Reg. No.

Code	Description	Value
A	Yes	10
B	No	0

Parameter No.: 8 - Preliminary Nat

Code	Description	Value
A	0 - 499.99	30
B	500 - 999.99	25
C	1000 - 1499.99	20
D	1500 - 1999.99	15
E	2000 - 2499.99	10
F	2500 - 2999.99	5

Parameter No.: 9 - Household with children aged 5 or under at time of enquiry

Code	Description	Value
A	Yes	15
B	No	0

Parameter No.: 10 - Council Tax Bandings

Code	Description	Value
A	Band A	10
B	Band B	5
C	Band C	2
D	Band D	1