

# **Disabled Facilities Grant – Home Adaptations and Relocation Assistance Policy**

Adult Social Care



North  
Tyneside  
Council

## Document Control

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## Contents

Contents .....	1
Introduction and Objectives .....	2
Disabled Facilities Grants .....	3
Disabled Facilities Grants – Means tested assistance .....	4
Disabled Facilities Grants – Discretionary Assistance .....	5
Grant Conditions.....	10
Degenerative Conditions and Successive Applications .....	10
The Authority’s Approach to this Policy .....	11
Equality and Diversity .....	11
Confidentiality and Data Protection.....	12
Contact Details .....	12
Appeals and complaints.....	12
Review of this Policy.....	13
Appendix 1 – Adaptation Assistance – Criteria and Means Testing .....	14
Appendix 2 – Purposes of A Disabled Facilities Grant.....	19
Appendix 3 - Relocation Assistance Grants.....	21
Appendix 4 - Recovery of Specialist Equipment.....	22
Appendix 5 - Financial Assistance Conditions .....	23

## Introduction and Objectives

This Policy is made under Article 3 of the Regulatory Reform (Housing Assistance) (England and Wales) order 2002 – Statutory Instrument No. 1860.

This Policy contributes towards the following Council Plan themes:-

A family friendly North Tyneside:-

- ✓ Supporting local schools
- ✓ Provide outstanding children’s services, events and facilities.
- ✓ Ensure all children are ready for school.

A caring North Tyneside:-

- ✓ Provide great care to all who need it.
- ✓ Work with the care sector to improve the working conditions of care workers.
- ✓ Ensure people are cared for, protected and supported if they become vulnerable.
- ✓ Reduce inequality, eliminate discrimination, and ensure the rights of residents are key to council decision making.

Equally Well 2021-2025 is our health and wellbeing strategy agreed between the Authority and its key partners. This strategy aims to reduce health inequalities through:-

- ✓ Fair employment and good work for all.
- ✓ A healthy standard of living for all.
- ✓ Better places and communities to live in.
- ✓ Healthy lifestyles and behaviours

The Authority will, in accordance with this Policy, give assistance for the purpose of improving living conditions in the Borough of North Tyneside. This Policy makes provision for both means tested and discretionary Disabled Facilities Grants and more particularly:-

Means Tested Disabled Facilities Grants

- ✓ Adaptation Assistance

## Discretionary Disabled Facilities Grants

- ✓ Adaptation Assistance
- ✓ Relocation Assistance
- ✓ Removal of Category 1 Hazards
- ✓ Provision of High Value Equipment
- ✓ Maintenance of Mechanical and Electrical Equipment

Assistance may be in any form, financial or otherwise.

Appeals against decisions as to what assistance, if any, is to be given in the normal application of this Policy, should be referred to the Authority in accordance with the section below on appeals and complaints.

This Policy has the following objectives:-

- ✓ The delivery of the Council Plan and of the Policy Direction of the Elected Mayor and Cabinet;
- ✓ To meet need as described in the Joint Strategic Needs Assessment; and;
- ✓ Delivering Equally Well, the agreed health and wellbeing strategy.

## **Disabled Facilities Grants**

North Tyneside Council has a statutory duty to provide Disabled Facilities Grants (DFGs). This duty is set out in Part 1 of the Housing Grants, Construction and Regeneration Act 1996.

When developing this section of the Policy, the Authority has also taken into account other key legislative provisions relating to disabilities, social care and housing. These include:

- The Care Act 2014
- Chronically Sick and Disabled Persons Act 1970
- The Equalities Act 2010
- NHS and Community Care Act 1990
- The Housing Act 1996
- The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002

The Authority will provide Disabled Facilities Grants (DFGs) specified within this Policy and as prescribed by Part 1 of the Housing Grants, Construction and Regeneration Act 1996.

In addition to the provision of Disabled Facilities Grants, the Authority will provide Discretionary Assistance to support disabled residents and residents who have urgent health related housing needs. Discretionary Assistance is detailed from page 6 of this Policy.

The Authority will apply 15% to the total cost of the works for administrative and technical charges and this figure will be included in the customer's grant amount.

### **Disabled Facilities Grants – Means Tested Assistance**

Certain DFG applicants will undergo an "affordability test" (means test) to determine the applicant's contribution towards the cost of the adaptation works. The criteria for means testing and other criteria for grants of this nature are set out in Appendix 1 of this Policy.

Those in receipt of relevant 'passporting' benefits will not undergo the means test (see Appendix 1).

Information from a customer relating to their finances will be used to determine the type and level of assistance (if any) that would be most appropriate to suit their circumstances.

This affordability test includes consideration of income, such as any salary, and/or benefits that are received. This Grant is means tested based on income and capital of the disabled person and their spouse or cohabitee according to Government Regulations.

Where the affordability test determines that a customer has sufficient income or equity to meet the cost of the adaptation or works from their own resources, they will not be eligible for means tested Disabled Facilities Grant.

The Authority may, in certain circumstances, add a local land charge to privately owned properties for the cost of a DFG adaptation. Should the property be disposed of within 5 years, or where the applicant (or in the case of a child, their parent/guardian) are no longer the qualifying owner either by sale, donation or repossession, the property will be deemed disposed of (as more particularly detailed in Appendix 1).

### **Adaptation Assistance**

Decision as to the awarding of Adaptation Assistance will be taken by Officers of the Authority who are familiar with this Policy and who the Director of Adult Social Care has appointed as suitable to administer schemes run in accordance with this Policy.

The purposes for which mandatory DFGs may be given are set out in Appendix 2.

The affordability test is not applicable for applications made on behalf of disabled children. In this context an individual is classed as a child for as long as they are under the age of 20.

### **Disabled Facilities Grants – Discretionary Assistance**

In providing Discretionary Assistance, the Authority aims to adopt a holistic approach, supporting a number of solutions, aimed at reducing dependency and assisting individuals to live safely and comfortably in their own homes.

Detail of the Discretionary Assistance available is detailed in Appendix 1.

Discretionary Assistance will be subject to the Authority's annual review of this policy and budgets and will be allocated as and when resources are available.

In order to access the Discretionary Assistance, a customer, together with others in the same household, will be required to sign a declaration to confirm that they have less than £29,124 (uplifted each year in line with cost

of living rises) in savings (cash, shares and other investments) in their name.

For the purposes of this Policy, 'others in the same household' will include all individuals over the age of 18 living at the same address (excluding children of the household where they are not a legal owner of the property or named on the tenancy of the property, even if they are aged 18 or over). The savings of the whole of the household will be considered for the purposes of providing Discretionary Assistance.

For the purposes of completing the declaration around saving of less than £29,124 the landlord or tenant respectively, (in the context of (a) and (b) below), will be excluded where one of the following applies:

- (a) the customer is living (on their own or with others) in a property, which they rent from an owner/occupier of the same property (i.e. they live with their landlord); or
- (b) the customer is living (on their own or with others) in a property they own, but rents any part of the property to a tenant (i.e. they live with their tenant)

The Authority may apply discretion in relation to members of the household included in the test of savings of less than £29,124, where it has established that by not providing the Discretionary Assistance, it will cause extreme hardship.

### **Adaptation Assistance**

Discretionary Adaptation Assistance will be given to adapt living accommodation (whether by alteration, conversion, or enlargement, by the installation of anything or injection or any substance or otherwise).

Discretionary Adaptation Assistance will be offered to disabled individuals and individuals with urgent health related housing needs, where the Authority is of the opinion that this will support prevention and promote independent living. Examples of assistance will include, but not be limited to the following:

- ✓ Where in an individual case a DFG applicant has a contribution to make following a test of resources (means test), specific hardship identified at the discretion of the Authority shows that the individual cannot fund the contribution upfront.
- ✓ When further improvement works are required to facilitate or enhance the installation of major adaptations.
- ✓ Where further improvement works are required to enable the disabled resident to continue living safely and independently in their home for as long as possible.
- ✓ Where the Authority is satisfied that works to address serious disrepair will prevent health deterioration of a vulnerable individual.

Decisions as to the awarding of assistance will be taken by Officers of the Authority who are familiar with this Policy and whom the Director of Adult Social Care has appointed as suitable to administer schemes run in accordance with this Policy.

Adaptation Assistance will be given in accordance with this Policy unless there are unusual or exceptional circumstances, which mean an individual would suffer unnecessary hardship unless assistance is given. A decision of the Director of Adult Social Care as to what constitutes unusual or exceptional circumstances, or unnecessary hardship, is final and not subject to appeal under paragraph 11 of this Policy.

Under this Policy, the Authority will only provide Direct Adaptation Assistance.

### **Relocation Assistance**

Relocation Assistance will be provided to support a home move only.

Support described in this paragraph may be given to assist an individual to move home either within or outside of (where the Authority deems that this is appropriate in an individual case) the Borough.

Relocation Assistance described in this paragraph will only be given where the Authority is satisfied that one or more of the following criteria is satisfied in the individual case:-



- ✓ Assisting an individual to move home would be the best way to secure a better outcome to meet that individual's assessed need.
- ✓ Providing support to enable an individual to move home, represents better value for money than providing an adaptation or a series of adaptations in their current home.
- ✓ An adaptation or a series of adaptations to meet an individual's assessed need are not practical in that individual's current home
- ✓ Assisting an individual to move home will enable them to remain in their own home for longer.

For an individual to be eligible for Relocation Assistance, the Authority must be satisfied that the individual's acquisition of other living accommodation would provide for that person a benefit similar to that which would be provided by carrying out work of any description in relation to their existing living accommodation.

Decisions as to the awarding of assistance will be taken by Officers of the Authority who are familiar with this Policy and whom the Director of Adult Services has appointed as suitable to administer schemes run in accordance with this Policy.

Relocation Assistance will be given in accordance with this Policy unless there are unusual or exceptional circumstances, which mean an individual would suffer unnecessary hardship unless assistance is given. A decision of the Director of Adult Services as to what constitutes unusual or exceptional circumstances, or unnecessary hardship, is final.

Under this Policy, the Authority will only provide direct Relocation Assistance which will be provided by way of a Relocation Assistance Grant as set out in Appendix 3 of this Policy.

Assistance will only be provided where the Authority is satisfied that the fees and costs it will be paying are reasonable, and may refuse to pay costs where it does not believe that this is the case.

### **Removal of Category 1 Hazards**

Where the removal of a Category 1 Hazard (as defined under the Housing Health and Safety Rating System) is required for the purposes enabling

means tested or discretionary works/adaptations, an individual may include costs relating to the removal of this hazard within their grant application under this Policy.

The need for the removal of a Category 1 Hazard will be identified during the assessment where the needs of an individual are identified. Further assessments by other qualified officers of the Authority may be required as appropriate.

Where one or more Category 1 Hazards are discovered at a property where the customer is the tenant of a private landlord and that/those hazard(s) are restricting the adaptation of the property or the installation of equipment under this Policy, the Authority's will:

- (a) seek to stabilise the customer's situation with smaller works/equipment to meet their needs temporarily; and
- (b) pursue the landlord through its usual channels to encourage the landlord to rectify the issues causing the hazard; but
- (c) where this is not possible, the Authority may seek to relocate the customer and/or assist with social care intervention.

This discretionary payment may be made alongside either a mean tested application or other discretionary payment.

More information on Category 1 Hazards can be found on the Gov.Uk website.

<https://www.gov.uk/government/collections/housing-health-and-safety-rating-system-hhsrs-guidance>

### **Provision of High Value Equipment**

The Authority may provide high value equipment to meet an assessed need where it can be shown that it will enable an individual to remain in their own home longer, and in the longer term, achieve better outcomes for that individual provided that:

- (a) the item of equipment proposed is a non-core item within the Authority's Adaptation and Loan Equipment Service; and

- (b) the cost of an individual item is over £1,000 (and the application is within the Authority's discretionary limits detailed in Appendix 1)

Any grant given for the purchase of high value equipment under this paragraph is subject to the requirements for the Authority's recovery of specialist equipment detailed in Appendix 4.

### **Maintenance of Mechanical and Electrical Equipment**

The Authority may provide assistance for the maintenance for a piece of mechanical or electrical equipment installed under this Policy.

### **Discretionary Assistance to Support Means Tested Assistance**

An individual may make an application for Discretionary Assistance detailed in this Policy as a stand-alone application or alongside a means tested application.

### **Grant Conditions**

Where a grant is made to an individual under paragraph 3 or 4 of this Policy, such grant shall be made subject to the conditions detailed in Appendix 5.

### **Degenerative Conditions and Successive Applications**

Where an application is made under this policy by a disabled person whose condition is degenerative, further adaptations to the home to cater for their deteriorating condition may become necessary at a later date.

Where an application is made under a means tested grant, depending on the time lapse between the successive applications, the amount of an applicant's current contribution may be reduced by the amount paid towards the previous grant assistance. The time period considered for this purpose is the 10-year period prior to each application.

Where an application is made for a discretionary grant, an individual may make successive grant applications, but in considering an application,

consideration will also be given to the nature and extent of previous discretionary grants made to that individual.

## **The Authority's Approach to this Policy**

In order to administer Home Adaptation Assistance, Relocation Assistance and Adaptation Assistance, the Authority will:

- Make this Policy available for inspection by the public free of charge and place a public announcement in the press of the changes to this Policy.
- Provide a copy of this Policy, free of charge, to any member of the public that requests it.
- Make a written offer of assistance setting out what conditions, if any are attached to the giving of assistance.
- Ensure that each applicant has received appropriate advice and assistance or information about the extent and nature of any obligation, whether financial or otherwise, to which s/he will become subject as a consequence of the provision of assistance.
- Where appropriate, register a legal charge in respect of assistance given, or make contractual provisions for the recovery of the assistance as an unsecured debt.
- Impose conditions on the assistance to be given in accordance with this Policy.
- Enforce those conditions requiring repayment in every case, except those where, having regard to the ability of the assisted person to make the repayment of the contribution, the Authority is satisfied that exceptional hardship would be caused by enforcement of that condition, that it would be unfair or unreasonable in all the circumstances, and the merits of the case.

## **Equality and Diversity**

The Authority fully endorses the removal of all barriers to its services arising from ethnicity, religion, geographic location, special needs, language differences, learning difficulties, sexual orientation, gender, age or disability.

This list is not intended to be exhaustive but is intended to show some of the areas where it is believed discrimination could occur.

In order to ensure that this policy provides equal opportunity of access to all, a comprehensive impact assessment has been undertaken to consider the effect of the policy on all the residents of the borough.

The assessment showed overall that implementation of the revised policy would generally enhance the beneficial effect on the health, safety and welfare of residents by raising housing standards and community vitality.

This document can be produced in other formats, such as in Braille; large print; on audiotape; CD-ROM or in other languages. Contact North Tyneside Authority's Adaptations Team for further assistance.

## **Confidentiality and Data Protection**

The Authority will ensure that any personal information is held and protected in line with legal requirements.

## **Contact Details**

An application for a DFG can be made by an initial contact through MyCare which is the Authority's Adult Social Care Portal.

[My Care North Tyneside](#)

Alternatively, the service may be contacted via Adult Social Care Gateway on **0191 643 2777** or via the email address below:-

[childrenandadultcontactcentre@northtyneside.gov.uk](mailto:childrenandadultcontactcentre@northtyneside.gov.uk)

## **Appeals and complaints**

If an applicant is dissatisfied in relation to a DFG process or decision they should contact in the first instance:-

Susan Redpath

Senior Manager, Prevention & Integration  
Adult Social Care  
Quadrant East, Cobalt Business Park, The Silverlink North, North Tyneside,  
NE27 0BY  
[Susan.redpath@northtyneside.gov.uk](mailto:Susan.redpath@northtyneside.gov.uk)

In the event that the issue is not resolved, an applicant can contact our Customer First Office.

### **Customer First Office**

This team is impartial from other council services. Their role is to listen to your concerns, issues, or complaints about council services and find a solution for you.

You can [contact the Customer First Office any time](#) or call them on 0191 643 2280 Monday to Friday, 9am to 4.30pm – you'll get a reply within two working days.

### **Review of this Policy**

This Policy will be subject to continuous monitoring and an annual officer review to ensure that it remains suitable and is contributing to the Authority's objectives in the most effective way. An assessment of the outputs and outcomes achieved by this Policy will be made. This will include the number of applications both successful and unsuccessful for mandatory and discretionary grants and the number of people who have been able to continue to live independently as a result of assistance under this Policy. Where certain changing circumstances have a significant impact on the operation of this Policy, necessary changes will be made to the Policy. Changes could include financial limits, those required following a change in legislation, and changes in local and national housing policy. Any material changes to this Policy will be subject to Cabinet approval.

Where assessment shows that the Policy is operating satisfactorily and that no changes are required, the Cabinet Member with the relevant portfolio will be provided with an update.

## **Appendix 1 – Adaptation Assistance – Criteria and Means Testing**

### **Introduction**

North Tyneside Council aims to assist disabled people to live independently within their current home or move to a more suitable property to meet their longer term needs.

This Policy focuses primarily on the Authority's delivery of Disabled Facilities Grants (DFGs). In addition to the delivery of Disabled Facilities Grants, and subject to available funding, the Authority will provide Discretionary Assistance to support disabled residents and vulnerable individuals with urgent health related housing needs.

### **Eligibility for Disabled Facilities Grant (as detailed in the Housing, Grant, Construction and Regeneration Act 1996)**

The Authority must be satisfied that the customer has a qualifying owner's interest or is a qualifying tenant/resident. It is the applicant's responsibility to provide proof of this as part of their application. Failure to provide this will result in the application being unable to progress.

A qualifying owner is one who owns a freehold interest in a property or one who has a leasehold interest in a property with at least 5 years remaining on the lease. If the leasehold interest is less than 5 years in duration, confirmation must be obtained from the property's freeholder of what is due to happen at the end of the lease period. A qualifying owner must supply an owner's certificate and certify that it is the intention that the disabled occupant will occupy the premises for a period of at least 5 years.

Private sector tenants will be eligible if they are able to supply permission from their landlord and confirmation that it is the intention of the landlord to let the property to the disabled occupant for a period of at least 5 years.

A 'qualifying tenant' is one who meets one of the following:

- ✓ a secure tenant
- ✓ an introductory tenant
- ✓ a protected occupier under the Rent Act 1976

- ✓ an employee who occupies the dwelling or flat concerned for the better performance of his duties
- ✓ an assured tenant of a Housing Association

With any tenancy the landlord must give permission for the works to go ahead.

Where the application is made on behalf of a child (an individual under the age of 20 years) the parent or guardian making the application is the applicant.

If an applicant is not the owner or they are not named on the tenancy, they may still be eligible if:

- ✓ they are the partner of the owner or tenant or treated as the partner
- ✓ they are married to the owner or the tenant
- ✓ they are living together with the owner or the tenant as a couple
- ✓ they are a civil partner of the owner or the tenant
- ✓ the applicant is an immediate family member (parents, grandparents, adult children, grandchildren and siblings) of the owner or tenant of the property and they can provide evidence that they live at the property and intend to do so for the next 5 years and the main carer for the applicant is the owner or tenant.

## **Needs Assessment**

Assessments will be carried out by a "competent person". This could be an Occupational Therapist, qualified Nursing Practitioner or trained assessment officer to determine the need and level of adaptation required. The assessment will make recommendations of how the adaptations would fully meet the person's needs and enable them to remain in their home.

The person carrying out the assessment should consider any equipment, minor fixings or minor adaptations (under £1,000) that could be put into place to meet the need of the client prior to assessing for a major adaptation



If a major adaptation is requested, then technical and feasibility visits will take place to determine cost and if the adaptation can be carried out on the property.

If it is not reasonable and practicable to carry out the works to the property, other options to meet the assessed needs of the customer will be considered.

## **Grant Application**

If the adaptation is practicable and the costs (inclusive of ancillary charges) have been determined, a grant application can be processed.

Where applicable, a test of resources ("means test") will be carried out to assess the amount the client will need to contribute towards the cost of the adaptation/s. The test of resources is used to assess the level of a customer's contribution towards the cost of eligible works and is based on a formula calculating a notional level of need (the amount the government says you need to live on each week) compared to the relevant person's income and capital.

Only "major adaptations" over £1,000 are eligible for a DFG. The maximum DFG limit is £30,000. However, the Council will apply Discretionary Assistance to increase the maximum grant threshold to £44,650

## **Property Charges**

The Authority is able to add a Local Land Charge to a privately owned property for the cost of the adaptation, should the property be disposed of within 5 years.

Where the applicant, or in the case of a child, their parent/guardian, are no longer the qualifying owner either by sale, donation or repossession, the property will be deemed as disposed of.

A Local Land Charge will only be considered where the adaptation/s has increased the floor size of the property or added value to the property.

Examples would include, loft conversions, extensions, out building conversions, multiple adaptations.

The Authority will only consider adding a charge where the cost of the adaptation is more than £10,000. Every case will be judged on its own merits in terms of adding a land charge against the property.

### **Withholding, Recalculating and Requesting Repayment of DFG**

North Tyneside Council has the authority to withhold, request repayment or recalculate a grant that has been approved as per the Housing Grants, Construction and Regeneration Act 1996 (Section 42) in the following circumstances:

- a) If it is found that the amount of grant awarded was determined on the basis of inaccurate or incomplete information and exceeds that to which the applicant was entitled.
- b) If it is found that the eligible works were started before the application was approved without the Authority's knowledge.
- c) The eligible works are not completed to the satisfaction of the Authority within 12 months of the approval date as specified under section 37 of the Housing Grants, Construction and Regeneration Act 1996.
- d) If it is ascertained that the total of the cost of completing the eligible works and the costs incurred with respect to preliminary or ancillary services and charges, is or is likely to be lower than the estimated expense.
- e) The Authority ascertains that without their knowledge the eligible works were carried out by a contractor whom was not approved by the Authority to carry out the eligible works or for any other reason listed within Section 38 of the Housing Grants, Construction and Regeneration Act.
- f) In some cases the cost of the works may be covered by an insurance payment or a claim against a third party. The Authority may in these circumstances believe that it is appropriate for the Authority to give grant aid to ensure the works are completed at the earliest opportunity. However, where the grant applicant subsequently receives a payment from an insurance or damages claim in respect of the grant aided works then he should repay to the

Authority the grant, so far as is appropriate, out of the proceeds of that claim.

### **Discretionary Adaptation Assistance**

The Authority will not generally carry out a test of resources (means test) on applicants where the cost of the works and/or adaptation (including any fees charged by the Authority in respect thereof) are not expected to exceed £10,000.

The Authority will increase the maximum DFG grant limit of £30,000 up to a revised maximum of £44,650 (being the maximum DFG grant of £30,000 plus the Discretionary Adaptation Assistance of up to £14,650).

The value of the Discretionary Adaptation Assistance may each financial year, at the discretion of the Authority, be increased in line with the Retail Prices Index.

## Appendix 2 – Purposes of A Disabled Facilities Grant

The purposes for which mandatory DFGs may be given:-

- ✓ Facilitating access to and from the dwelling or the building in which the dwelling or flat, as the case may be, is situated, e.g. by widening doors or installing ramps.
- ✓ Facilitating access to a room used or usable as the principal family room.
- ✓ Facilitating access to a room used or usable 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 basin or providing a room in which there is such a facility or facilities.
- ✓ Facilitating access to the garden.
- ✓ Facilities for the preparation and cooking of food.
- ✓ Adaptations to the dwelling or building to make it safe for the disabled person and other persons residing with him. This may include adaptations to access and movement around the home to enable the disabled person to care for another person who lives in the property, such as a spouse, child or another person for whom the disabled person cares.
- ✓ Improvement of an existing heating system in the dwelling to meet the disabled occupant's needs. Where there is no heating system or where the existing heating arrangements are unsuitable to meet their needs, a heating system may be provided.
- ✓ The installation of central heating to the dwelling will only be considered where the well-being and mobility of the disabled person would otherwise be adversely affected and to enable a disabled person to have full use of heating, lighting and power controls in the dwelling. Such work includes the relocation of power points to make them more accessible, the provision of suitably adapted controls where a disabled person has difficulty in using normal types of controls and the installation of additional controls.

The purposes for which grant is available for works to the common parts of buildings such as blocks of flats are, limited to works to facilitate access to the dwelling through the common parts, or facilitating the use by the

disabled person of a source of power, lighting or heating in the common parts.

## **Appendix 3 – Relocation Assistance Grants**

### **Direct Relocation Grants**

Grant may cover the following costs:-

- ✓ Legal fees, including disbursements for example searches and land registry fees
- ✓ Stamp duty and other taxes associated with moving home
- ✓ Surveyors Fees
- ✓ Removal Costs

## **Appendix 4 – Recovery of Specialist Equipment**

The customer shall, as soon as possible, notify the Authority should any specialised equipment no longer be needed. Upon receiving notification, the Authority may inspect the equipment and may decide to remove it. The Authority will make good any damage caused to the property as a result of such removal.

The Authority will have the right to recover specialist equipment only where it has been purchased through the Discretionary Grant in accordance with this Policy, or where the customer has made no contribution, or was assessed as having a 'nil' contribution to the Grant.

## Appendix 5 – Financial Assistance Conditions

In this appendix, the term 'financial assistance' refers to financial assistance of any form pursuant to this Policy.

The following conditions apply:-

A Disabled Facilities Grant will not be paid for works that have already begun prior to approval.

### The Property and the Works

- a. The works that are eligible for assistance, the Client Contribution, and the contractor that will carry out the works, must be agreed with the Authority.
- b. Should works that were unforeseen at the time of the works being carried out, financial assistance in the form of further mandatory DFG, or discretionary grant towards the additional cost will be considered.

### The Application

- a. An application must be made on the application form provided for that purpose. The Authority will only consider a valid application for assistance. A valid application is one where the following documents are submitted:
  - A correctly completed application form and any supporting documentation
  - Either a certificate of owner occupation, or a certificate of intended letting or a tenant's certificate
  - Proof of title where applicable
  - Authorisation from the owner of the property if a third party is acting agent in the application. This can be in the form of an authorisation letter, power of attorney or document of similar standing
  - Completed form of Technical and Administrative Services Charges
  - Any relevant reports as requested by the Schedule giving the particulars of the relevant works



- At least two sets of estimates for the proposed works.
  - Details of preliminary or ancillary services or charges
  - Other prescribed particulars
- b. The applicant shall be required to enter into a contract with the Authority.
  - c. The Authority will determine an application within 6 months of receipt of a valid application.

The applicant will be informed in writing of the approval or refusal of the application.

#### Carrying Out and Completing the Works:-

- a) The eligible works must be completed within 12 months from the date of approval of the application. The Authority may extend this period if they feel it is necessary, upon written request from the applicant;
- b) Where the work has begun and not been completed within the time allowed in accordance with terms of the approval of the assistance and the Authority has incurred costs including any interim payments or additional costs, the Authority may recover these from the applicant.
- c) Where the applicant fails to fully reimburse the Authority, the Authority shall place a land charge on the property for any outstanding amount plus any interest accrued from that date.
- d) The works that are eligible for assistance must be completed to the satisfaction of the Authority and carried out in accordance with any specification imposed by the Authority.
- e) The Authority should be provided with an acceptable invoice, demand or receipt for payment from the agreed contractor. For this purpose, an invoice, demand or receipt is acceptable if it satisfies the Authority and is not produced by the applicant or a member of his/her family.
- f) It will be a condition of assistance that the property must be insured and properly maintained at all times. If this condition is not met during the period until the assistance is repaid, it will be a breach of

the conditions of assistance; a copy of the buildings insurance certificate may be requested annually by the Authority.

### **The Local Land Charge**

Once an application for financial assistance is approved, the assistance may be registered as a legal charge and a local land charge on the property. This will be carried out before any assistance is paid.

Any charge where applied, will apply for a period of up to 5 years from the date at which the Authority certifies that the eligible works have been carried out to their satisfaction ("the certified date").

Reducing the priority of the charge or removing the charge will only be undertaken in exceptional circumstances.

A charge is binding on the person who is for the time being an owner of the premises concerned.

Where a condition is broken, the Authority has all the usual remedies in law to secure repayment including enforcement of the charge.

### **General Notes:**

- a) If the property is occupied by a person who is a protected occupier under the Rent (Agriculture) Act 1976 or is occupied under an assured agricultural occupancy, within the meaning of Part 1 of the Housing Act 1988, the condition will not be breached.
- b) In a case where personal representatives or trustees are the owner, the letting must not be to a person who has a beneficial interest under the will, intestacy or trust, in the property or the proceeds of its sale.
- c) A "RELEVANT Disposal" is where the whole or part of a property undergoes either a conveyance of the freehold or an assignment of the long lease or the grant of a long lease, which does not qualify as an exempt disposal.
- d) An "EXEMPT disposal" means a disposal that is:

- Of the whole of the property to the owner or one of the joint owners of the dwelling
- Of the whole of the property by Court order in the course of a domestic breakdown;
- Compulsorily, or by agreement, to a public body with compulsory purchase powers;
- Of land which is "included land" under Section 184 of the Housing Act 1985;

An owner's interest is:

- an estate in fee simple absolute in possession, or
- "a term of years absolute of which not less than five years remain unexpired at the date of application". This included a long lease of seven years or over granted under deed where the leaseholder has a repairing obligation. There must be at least 5 years remaining on the lease whether held by the applicant alone or jointly with others.

A person is a member of another's family if that person is:

- the other's wife or husband or that person lives with the other as wife, husband or civil partner
- a son or daughter or son-in-law or daughter-in-law of the other, or of the other's wife or husband
- "son" or "daughter" includes any step son or step daughter and any illegitimate son or daughter, and "son-in-law" and "daughter-in-law" are to be construed accordingly or,
- a parent, grandparent,
- grand child, brother, sister, aunt, uncle, nephew, niece of the other, or of the other's wife or husband, whether the relationship is by blood or marriage.



# North Tyneside Council

**North Tyneside Council  
Adult Social Care  
Quadrant  
Silverlink North  
Cobalt Business Park  
NE27 0BY**

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