

NORTH LANARKSHIRE COUNCIL

REPORT No. 18

To: HOUSING AND SOCIAL WORK SERVICES COMMITTEE	Subject: GUIDANCE ON ASSISTANCE UNDER THE HOUSING (SCOTLAND) ACT 2006 TO MEET THE NEEDS OF DISABLED PEOPLE
From: HEAD OF HOUSING SERVICES	
Date: 25 FEBRUARY 2009	Ref: MP/PH/LK

1. Introduction

The purpose of this report is to inform members of the implications of the Housing (Scotland) Act 2006 in terms of the provision of assistance with adaptations for disabled people.

2. Background

- 2.1 Committee will recall the previous report in August 2008 regarding the Council's response to the draft guidance on the Housing (Scotland) Act 2006 outlining the Act would introduce a number of significant changes to the provision of services by the local authorities to privately owned housing.
- 2.2 The finalised guidance in relation to the duties of local authorities under the Act to meet the assessed needs of disabled people due for implementation from 1 April 2009 was made available on the 29 January 2009. With regard to the remaining areas of the Act on which finalised guidance is awaited, local authorities have a transitional year to prepare to use their powers under the Scheme of Assistance.
- 2.3 The Act sets out more specific duties with regard to financial assistance with adaptations (excluding reinstatement) and introduces
 - The removal of means testing for adaptations and the introduction of 80% mandatory grant provision toward the costs of the works or 100% where the applicant receives certain benefits.
 - The widening of the scope of mandatory grant to include most essential structural adaptations although work to extend a property to provide additional living accommodation is excluded from mandatory grant.
 - Duties placed on local authorities to ensure that where essential adaptation work is not being covered by grant, owners receive proper advice on funding the work.
 - No capping of assistance at the previous level of £20,000 with the imposing of approved expense limits for adaptations by local authorities prohibited.
- 2.4 Because of demands on resources, the Guidance recognises that many local authorities currently apply some sort of eligibility criteria to decide who they can help from the resources available. Under the new Act, where an applicant's need is determined as being eligible and a priority for assistance, they are entitled to grant and mandatory aid requires to be provided.
- 2.6 In terms of meeting assessed needs, the Guidance outlines that consideration should be given, where appropriate, to the use of any alternative housing options which an individual or family are willing to explore. The Act makes it explicit that a local authority has powers to assist with the cost of house purchase or construction as a means of fulfilling its obligations to a disabled person.

3 Proposals/Implications

- 3.1 The changes as outlined in the previous section will result in an increase in the level of mandatory grant requirement for standard adaptations and place additional requirements on this budget category. It should be noted that currently the overall non HRA budget figure for all private sector housing priorities is £4.729million for 2009/10 made up of £3.292million PSHG (Private Sector Housing Grant) and £1.437million from the council's General Services Fund approved at Committee on 12 February 2009.
- 3.2 As outlined, although the council has an obligation to continue to assist owners whose homes are inappropriate for their needs, work to extend properties to provide additional living accommodation is excluded from mandatory grant, mainly on the grounds of costs to local authorities and the expectation that such works usually increase the property value with costs recovered on resale.
- 3.3 The Act outlines that although the provision of grant aid towards extensions other than to provide the standard amenities of a bathroom/and or toilet facility is not mandatory, local authorities have the powers to provide discretionary grant aid towards such applicants and to assess an applicant's contribution to such through options including home loans etc.
- 3.4 Officers within Housing and Social Work are currently reviewing policy with regard to the impact of the new guidance and legislation in order to ensure that applicants whose homes are not suitable for their needs and cannot be adapted without additional living space being added i.e. an extension, can be provided with appropriate information and advice to assist them fund the works or move to a more suitable house.
- 3.5 Currently there are 19 applications for extensions that have been agreed in principle but have not yet reached grant approval stage. It is proposed that these applicants will be provided with means-tested grant funding up to a maximum of £20,000 but as approved by Committee in December 2008, they will be advised that no "top up" funding is available due to budgetary constraints.
- 3.6 In line with the new legislation guidance it is proposed that any new applicants for extensions, other than to provide a bathroom, beyond those discussed in 3.5, will be advised that grant funding will not be available and other options and assistance will be developed to assist them meet the needs of the disabled household member. Where it is proposed to use discretionary powers, this would be the subject of a separate committee report.

4. Financial/Personnel/Legal/Policy Implications

- 4.1 Proposals for change to policy in accordance with the requirements of the Act will be the subject of a future report to Committee prior to the publishing of the council's full Statement of Assistance.
- 4.2 The 2009/10 private sector non HRA budget, taking into consideration the requirements of the new legislation, will also be the subject of a report to a future Committee.

5. Recommendations

It is recommended that the Committee: -

- i) Note the publication of the guidance in relation to the duties of local authorities under the Housing (Scotland) Act 2006 to meet the assessed needs of disabled people which is to be implemented from 1 April 2009
- ii) Approve the interim position of offering discretionary grant aid towards the costs of extensions for those applicants outlined in Section 3.5 of this report.
- iii) Note that there will be further reports to Committee with regard to the policy and financial implications of the new guidance.



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17 February 2009

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