

Private Sector Housing Renewal Policy

Adopted 7 September 2006

Our Housing Vision

We aim to make Hyndburn **a great place to live**, offering people **a choice of good quality housing** in healthy and **safe neighbourhoods**

Policy Objectives: -

- Reduction in the number of vulnerable households living in non-decent homes**
- Reduction in the number of vacant houses**
- Reduction in the number of homes either unfit or in disrepair**
- Improvements in energy efficiency of homes**
- Improvements in the condition and management in the private rented sector**
- To maximise funding available including the use of private finance**
- Fair and equal access to housing renewal assistance**

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1. Introduction

- 1.1 The Government maintains that everyone should have the opportunity of a decent home because poor quality housing can have an impact on the health of occupants and on the quality of life in an area and neighbourhoods.
- 1.2 It is also the Government's view that it is primarily the responsibility of private sector owners to maintain their own property but recognises that some owners particularly the elderly and most vulnerable do not have the necessary resources to repair or improve their homes. Local authorities therefore have an important role to play in providing assistance in these cases. A do nothing option is not appropriate.
- 1.3 The Government has therefore introduced legislation that puts the emphasis on moving away from a grant culture to support housing renewal activity and instead encourage local authorities to look at new and innovative ways to providing assistance including loans and/or equity release schemes.
- 1.4 Therefore, in 2002 the Government introduced legislative changes that gave the Council wide powers to assist the repair and improvement of houses in the Borough. The new powers enable the Council to have a wider range of options than the old 'grant' based scheme, and this Policy lays out the Council's approach to encouraging the maintenance of the Borough's housing stock.
- 1.5 The Policy recognises that in an area of low disposable incomes and old housing, considerable intervention by the Council is needed to keep the stock from falling into terminal disrepair, and inevitable demolition.
- 1.6 The Council is also mindful however, that over 50% of the Borough's housing stock was built before 1919, and that many properties do not meet the requirements of an increasing number of residents, and that a significant programme of demolition and redevelopment will need to be carried out in parallel to the proposals for encouraging repair and improvement.
- 1.7 The Private Sector Housing Renewal Policy is part of a range of policies and strategies adopted by the Council. The others relevant to housing are: -
- The Housing Strategy;
 - The Community Strategy;
 - The Neighbourhood Renewal Strategy;
 - The Private Rented Sector Policy; and
 - The Empty Property Strategy.

2 Executive Summary

- 2.1 For the majority in the borough, owner occupation is the tenure of choice and provides decent housing that satisfies needs and requirements. However, we also know that deprivation is linked with poor housing conditions in the owner-occupied sector.
- 2.2 This Private Sector Housing Renewal Policy reflects policies at a national, regional and local level. The Policy has been developed to address local needs and issues. Most importantly the Policy will contribute towards the Council's policies to transform Hyndburn's private sector housing market and neighbourhoods. Specifically it aims to ensure a consistent and effective approach to how and when the Council will intervene in local neighbourhood housing markets and how and when the Council will assist individual residents.
- 2.3 The Policy recognises that the Council cannot work in isolation and stresses the need to work with all partners. It also identifies the key funding streams for housing renewal activity.
- 2.4 The Policy identifies the key priorities for private sector housing renewal. It defines the approach and assistance the Council will adopt for housing renewal activity borough-wide.

3 Strategic Context

3.1 It is important that the Council's Private Sector Housing Renewal Policy contributes to delivering Hyndburn's vision as set out in the Community Strategy (2003-08) which is to make Hyndburn a better place to live, work and visit.

The Community Strategy identifies six priorities: -

- Community Safety;
- Housing and Environment;
- Health and Social Care;
- Economy and Employment;
- Education and Lifelong Learning;
- Culture and Leisure

3.2 This policy document focuses on the housing and environment priority, however, direct and indirect links can be made with all six priorities and therefore, where appropriate, the Policy will address other cross-cutting issues.

3.3 The Housing Market Renewal Strategy also supports the delivery of Hyndburn's housing priorities as set out in the Housing Strategy (2004-07): -

- Achieving a balanced housing market;
- Reducing unfitness and disrepair and delivering decent homes;
- Preventing homelessness and meeting the needs of vulnerable households;
- Building sustainable communities

3.4 ODPM circular 05/2003 makes it quite clear that Housing Renewal policies need to be integrated with the wider, regeneration agenda including Housing Market Renewal (HMR). It also clearly indicates that the policy contributes towards a consistent approach across the HMR pathfinders. For this reason, this Policy responds to Elevate East Lancashire's agenda for restructuring East Lancashire's housing market whilst at the same time respond to specific housing issues in Hyndburn including considerations outside the pathfinder area.

3.5 Other key considerations for this Policy are the need to respond to the Housing Act 2004 and requirements with regards to private sector housing enforcement and the introduction of the Housing Health and Safety Rating System.

3.6 Finally, consideration needs to be given to achieving the Housing Decency Standard targets for dwellings occupied by vulnerable households.

4 Hyndburn's Housing Situation

- 4.1 The Housing Strategy sets out the Council's key housing objectives. The Housing Strategy Priority 2 – "reducing Unfitness and disrepair and delivering Decent Homes" stresses the need to tackle severe problems of unfitness, disrepair, low demand and abandonment. The Private Sector Housing Renewal Policy aims to assist to deliver this key priority within available resources.
- 4.2 The East Lancashire House Condition Survey carried out in 2004 indicated that there were several major problems facing the Borough.
- ❑ The vacancy rate for dwellings in Hyndburn is 7.5% (2522 properties), significantly above the national average of 3.17% (which would give 1066 properties).
 - ❑ An estimated 36.1% (12165 properties) fail to meet the Decent Homes Standard, compared with a national average of 33.1%
 - ❑ An estimated 17.1% (5755 properties) are 'Unfit', four times the national average of 4.2%. Under the Housing Health and Safety Rating System introduced in April 2006, the estimated failure rate is 8.4% (2610 properties), although a further 29.9% (8401 properties) have a significant score under the Rating system, indicating there are defects that need attention.
 - ❑ An estimated 9.4% (3160 properties) whilst fit, fail the repair criterion of the Decent Home Standard.
- 4.3 The Housing Market Renewal Pathfinder area in Hyndburn is strongly associated with these problems and there is a strong correlation of housing deprivation within the private sector.
- 4.4 In addition, the very high level of owner-occupation, 76.9% (25895 properties), coupled with low levels of disposable income, means that many properties are owned by residents who struggle to keep their homes maintained.
- 4.5 The average income in Hyndburn is around £333.00 a week, 80% of the national average, and 10.33% of Households (approximately 3200) are reliant upon state means-related benefits.
- 4.6 The Borough's housing stock is ageing with 47.6% (16011 properties) built before 1919. The vast majority of these properties are in terraces with limited gardens and set in environments where car parking has become a premium, and where little open space exists.
- 4.7 Whilst general demand for terraced housing is still strong, the sheer numbers of available terraces means that several areas are no longer in demand. Many residents no longer tolerate the limitations of terraced housing and aspire to something better, therefore the overall demand for owner occupation of terraced housing is falling and there is an increasing demand for the newer developments of semi-detached and detached houses.
- 4.8. At present there is no doubt that a significant proportion of our older terraced stock is no longer attractive to owner-occupiers. Obsolescence of the properties and surrounding environment and the lack of desirability of several neighbourhoods has resulted in a significant surplus of unwanted properties.
- 4.9 The Housing Needs survey of 2003 indicated that there was a significant shortage of certain types of property, compared with the residents' needs and aspirations. The Housing Strategy (2004-07) identifies a need to widen housing choice by diversifying the housing offer.

- 4.10 Principally there is a lack of houses in the following broad categories: -
- Properties suitable for the disabled and infirm;
 - Affordable housing in decent condition and in acceptable areas;
 - Shortage of low-maintenance property for sale or rent to starter households
 - Larger good quality housing
- 4.11 This has resulted in the creation of the Market Restructuring Pathfinder - Elevate East Lancashire. The role of Elevate is to set out a strategic framework and funding programmes for restructuring East Lancashire's housing market including the delivery of housing renewal activity across the sub-region including Hyndburn. The East Lancashire wide Housing Renewal Policy together with this Policy will determine housing renewal priorities, including the distribution of resources, throughout Hyndburn.
- 4.12 In addition, The Council is concerned about energy efficiency in the housing stock and the high levels of fuel poverty amongst the Borough's populace. This is a major contribution to poor health. Although the average SAP rating is above the national average (Hyndburn 53, UK 51), it is not by much and the 2004 survey estimated over 23% (7162 households) are defined as in fuel poverty.
- 4.13 Further improvements in the energy efficiency of the housing stock are therefore necessary, both at the high-user end, to reduce CO₂ emissions, and at the low –user end, to reduce fuel poverty.
- 4.14 The private rented sector also throws up some issues and concerns. The sector provides an essential housing option, but also contains some of the worst housing conditions in the whole Borough. The sector tends to divide into two – those more responsible landlords who need a degree of encouragement, and the smaller less responsible group of owners, whose properties are often in poor repair and whose management practises are most questionable.
- 4.15 The Council landlord accreditation scheme – Hyndburn Accredited Landlord Scheme – offers assistance with the first group, whilst the licensing proposals in the Housing Act 2004 are being considered to address the poor quality landlords in the private sector. A private landlord licensing scheme will be piloted in the Peel and Barnfield area.

5. Policy Objectives

5.1 Six major issues face the Council in improving the condition of the Borough's housing stock: -

- The poor condition of significant numbers of the stock;
- The surplus of houses in certain areas, particularly in the pre-1919 terraced stock, leading to areas of 'low' or 'nil' demand;
- The lack of disposable resources for many owners;
- The lack of a match between the needs and requirements of the residents and housing supply;
- The need to make houses more energy efficient;
- The need to deal more pro-actively with the private rented sector in line with the Private Rented Sector Policy;

5.2 The Private Sector Housing Renewal Policy must address these issues. Therefore the policy objectives are: -

- A reduction in the number of vulnerable households living in non-decent homes;
- A reduction in the number of vacant houses either by clearance, encouraging inward migrations, or reuse for other purposes;
- A reduction in the number of unfit houses through clearance, conversion or repair and improvement;
- The provision of wider housing choice, quality and diversity of housing;
- An improvement in the energy efficiency of homes;
- Improving the condition and management of the private rented sector;
- To maximise funding available for housing renewal activity including the use of private finance;
- Fair and equal access to housing renewal assistance.

6. The Policy

6.1 The Policy has been developed to deliver the strategic priorities identified earlier in the report.

Client Based Approach

6.2 The policy seeks to direct access to the most vulnerable households including the: -

- Elderly;
- Disabled;
- Low income households/households in financial difficulties;
- Households in “fuel poverty”;
- Residents receiving support from social services and/or health and dependent on benefits

6.3 For monitoring purposes DCLG’s definition of vulnerable households will be used. In particular, the Council proposes to target renovation grants/equity loan assistance to vulnerable households to achieve the decency standard.

Borough-wide and Area Based Initiatives

6.4 The policy aims to achieve an equitable balance between borough-wide and area based programmes recognising that the most acute conditions are to be found in the urban core of the Borough, especially the Housing Market Renewal (HMR) intervention area.

6.5 HMR funding will be targeted towards the priority Area Development Framework in conjunction with Elevate East Lancashire.

6.6 The policy also recognises that an area based approach also has the biggest impact as opposed to a “pepper pot” approach. The areas identified for priority include West Accrington and Church, Peel and Barnfield and Scaitcliffe and Spring Hill.

Remedial Works to support Area Based Initiatives

6.7 Given the scale of problems faced particularly in the private sector the Council considers it important to retain remedial policies that are very much linked to an area based approach. This approach supports the Council’s HMR plans and initiatives.

6.8 A combination of grant and loan assistance will be used to address decent home targets, vacant housing and unfit housing. Behind this approach is a long-term objective to drive up house values and therefore, increase the scope for equity release and, in turn, reduce grant dependency. The tools to be used include: -

- Clearance;
- Equity share loan for relocation;
- Grant funding for group repair/face lift works;
- Equity share loan for group repair/face lift works;
- Conversion assistance

Eradicate grant dependency culture parallel with the development or private finance to support housing renewal activity.

6.9 The overall approach being adopted by the Council is to move away from a grant dependency culture. However, the Council will retain levels of grant assistance, especially where it is considered the most appropriate form of assistance. This will certainly be to support Hyndburn's HMR intervention given the levels of unfitness and vacancy rates. Grant aided assistance will also be used to support the most vulnerable households, especially those households on low incomes.

6.10 However, the Council does propose to use the general power provided by the Regulatory Reform Order (2002) to provide assistance other than grants in a form which may require the owner to make some financial contribution or repayment. The Council proposes to introduce loan/equity share products which is intended in the longer term to ease the pressure on the Council's resources available for housing renewal.

6.11 The Council will use a no interest bearing loan recognising the number of low income/vulnerable households in the Borough. Whilst this approach does not produce any immediate return, it does mean that receipts can be recycled to provide further support for housing renewal in the longer term. As part of the funding package the Council will provide beneficiaries with comprehensive financial advice. In addition, the Council proposes to develop loan finance in partnership with partner Housing Associations.

Partnerships in Housing Renewal Activity

6.12 In addition to grants and loans, the Council is working in partnership with a number of agencies to maximise resources and assistance for housing renewal activity. Specific examples include: -

- i. **Hyndburn Homewise** – this is a voluntary led Home Improvement Agency partly funded by the Council which is involved in a number of schemes contributing towards housing renewal activity: -
 - Administers the warm front/plus grant scheme
 - Hyndburn Borough Council grants to the elderly for energy efficiency measures
 - Free property survey service
 - Handyman scheme for vulnerable households
 - Advice service in carrying out repairs
 - Provides financial advice
- ii Eaves Brook Housing Association – Eaves Brook Housing Association is zoned as the Council's lead RSL partner for West Accrington and Church and Clayton-le-Moors/Enfield areas. Eaves Brook is supporting our housing renewal activity in the following ways: -
 - Target Social Housing Grant towards acquisition of vacant properties in poor condition;
 - Pilot scheme combining grant (for facelift) and loan via equity charge for improvements to decent homes standard;
 - Use of RSL resources to acquire and improve for sale in conjunction with Hyndburn's HMR plans;
 - The provision of Neighbourhood Management services including two local offices in Hyndburn's HMR areas

- iii **Elevate East Lancashire** – This is DCLGs housing market renewal pathfinder for East Lancashire. The pathfinder is supporting Hyndburn's housing renewal activities in the following ways: -
- Funding towards group repair and facelift work;
 - Funding towards clearance and a relocation tool including a package comprising of an equity share loan incorporating independent financial advice from Northern Counties Housing Association
 - Support towards partnering contract for group repair work including KPIs for quality, health and safety and cost
 - Supply of discounted materials in conjunction with partnering contract

Enforcement and Empties.

- 6.13 The Council is seeking to pursue the owners of empty properties using a number of tools.
- Housing Enforcement Action under the Housing Act 2004
 - Improvement Notices
 - Interim Management Orders
 - Compulsory Purchase under the Housing Act 1985 or other legislation.
 - Action under Section 215 of the Town and Country Planning Act 1990.

Accreditation and Licensing of Private Landlords.

- 6.14 The Council has established a Landlord Accreditation scheme, in partnership with other East Lancashire authorities, and has achieved considerable success in signing up local landlords.
- 6.15 Currently the project is being amended to allow Managing Agents to become part of the system.
- 6.16 In addition to this voluntary scheme, the Council is keen to exploit the provisions of Part 3 of the Housing Act 2004, which allows the Local Authority to designate certain areas as areas within which private landlords must be licensed.
- 6.17 The Council is intending to examine the potential of the scheme and to designate one or more areas as soon as the benefits can be established.

7. Resources

- 7.1 This Policy aims to shift the burden of funding over time from the public purse to a scenario when private funding plays a major role in housing renewal activity. The overall aim is one where owners take prime responsibility to maintain their homes.
- 7.2 Given the scale of the problem and a very proportion of households on low incomes, public sector funding will be required for the foreseeable future, albeit the intention is to target the most vulnerable households.
- 7.3 The main funding sources to be utilised for private sector housing renewal are: -
- Hyndburn Borough Council's Housing Capital Programme;
 - Hyndburn's Housing Market Renewal Programme;
 - The Housing Corporation's National Affordable Housing Programme;
 - Other national funding such as Warm Front;
 - Private sector funding including resident contributions, the use of loans and equity share, equity release, low cost loans (via RSL partner) and developer contributions towards acquisition for clearance
- 7.4 In addition, the Council is working with partners to maximise assistance. The Council supports Hyndburn Homewise, a local voluntary agency that provides the following services: -
- Provides financial advice;
 - The provision of a handyman service;
 - Free property survey service;
 - Advice on carrying out repairs;
 - Administration of the Warm Front/plus grant scheme;
 - Administration of small grants for energy efficiency measures and affordable warmth
- 7.5 The Council has an Accredited Landlord scheme which aims to promote improvements in the private rented sector. In addition, and using new powers within the new Housing Act, 2004, the Council proposes to introduce a pilot private landlord licensing scheme to address poor standards of repair and management in the private rented sector.

8. Consultations

8.1 The Policy has been developed through engagement and collaboration with a wide range of partners and stakeholders. The list is extensive and includes the following: -

- Social Services including Supporting People;
- PCT (Health);
- Hyndburn Homewise;
- Private Landlords;
- Elevate East Lancashire (HMR Pathfinder);
- Neighbouring local authorities;
- Registered Social Landlords;
- A number of resident groups and forums;
- Area Councils and Neighbourhood Management Boards;
- Current grant waiting list applicants;
- Age Concern

9. Commencement and Review Date

- 9.1 The provisions of this policy shall come into effect on 7 September 2006.
- 9.2 The Policy has to have a review date included within it. The Policy must be reviewed and be the subject of a further resolution of the Council, on or before that date. The Council can however review and amend the policy at any time.
- 9.3 The review date for this policy will be the 1 May 2007.

Appendix A – The Scheme of Rules and Conditions of Housing Assistance

This appendix is the publicly available document giving the terms and conditions of Housing Assistance offered by the Council.

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General

1. The Council reserves the right to vary any condition or eligibility criteria.
2. Please note that demand for assistance may outstrip the resources available and therefore applicants for assistance may have to wait for a period to receive help. Furthermore the Council will not guarantee that all those who seek assistance will receive it.
3. The presence of a form of assistance within this document does not guarantee that it will be made available to any eligible applicant. The funds for such forms of assistance may be limited or the form of assistance may be withdrawn or varied, up and till a formal approval of the assistance has been made by the Council. After that the terms and conditions applicable at the time of approval will be honoured, unless the Council is prevented from doing so by changes in the law.

Schemes Carried Out by the Council, in which House Owners Are Invited to Participate

4. These methods involve the Council carrying out a scheme of works on behalf of property owner. They are Group Repair Schemes and Facelift Schemes.

Group Repair Schemes

5. The Council may prepare a scheme – a Group Repair Scheme – for carrying out works to refurbish the external envelope and curtilage of a group of properties or an individual property and to carry out essential internal works to support the external works, so that at the completion of the scheme the exterior of the participating properties will be in reasonable repair and structurally stable.
6. The works referred to in paragraph 5 above may include some or all of the following
- works to the structure and foundations of the building to remedy any structural instability, repairs/replacement of chimney, roof covering and structure, rainwater

goods, external doors and windows, pointing, rendering, boundary and division walls, paving, and other external works plus necessary supporting works to the interior of the property – damp-proofing, fungal treatment, thermal insulation where considered necessary by the Council, and the provision of a replacement water supply to the first tap used for drinking water, where a specific property is served by a common service pipe or any supply pipe made of lead. In addition, the works are taken to include any fees or charges incurred by the Council in carrying out the Group Repair Scheme.

7. The Group Repair Scheme shall consist of one or more dwellings.
8. All the properties included in a Group Repair Scheme must have been built at least 10 years before the date of the application.

Participation in a Group Repair Scheme

9. A person is eligible to participate in a Group Repair Scheme if at the date of the approval of the scheme he has an owner's interest in a dwelling or other property included in the scheme, and he is either able to give possession to allow the works to be carried out, or has the consent of any legal occupier to the carrying out of the works.
10. A person eligible to participate in a Group Repair Scheme may participate as an assisted participant if he has an owners' interest in a dwelling and gives an owner-occupation certificate or a certificate of intended letting, or if the dwelling is a House in Multiple Occupation, he gives a certificate of future occupation.
11. A person is eligible to participate in a Group Repair Scheme if he has an owner's interest in a property which is not a dwelling, but which the Council accept as part of the scheme.

Scheme Consents and Approval and Completion Notices

12. A person who is eligible to participate in a Group Repair Scheme shall do so by signifying their acceptance of the terms and conditions of the Group Repair Scheme, and of the works proposed to their properties, in writing – The Scheme Consent.
13. No works shall be carried out to any property for which a Scheme Consent has not been obtained by the Council, unless the works are in the opinion of the Council essential to the carrying out of the Group Repair Scheme and the owner of the property has consented to the works being carried out. The Scheme Consent shall be in a form determined by the Council.
14. Once a participant has signed the Scheme Consent, he shall be liable for any losses sustained by the Council, if he subsequently withdraws his agreement.
15. When all participants to the Group Repair Scheme have provided the Council with the duly completed and signed Scheme Consents, the Council will issue an Approval Notice prior to works starting on site, to each participant giving details of the amount of their particular contribution if any, and the total amount of money that will be spent on their property, divided between the cost of works and the cost of any fees or other costs payable.
16. When the works specified in a Group Repair Scheme are completed the Council shall send to each participant a certificate stating the date upon which the works were completed to the satisfaction of the Council – The Completion Date, and specifying the total amount of money spent on their property, the amount of their contribution, and the amount of that money which was spent on works and which was spent on fees and other costs payable.

Contributions by Participants

17. The participants in a Group Repair Scheme are liable to contribute to the cost of the scheme works carried out on their property as notified to them. The contribution of any participant shall not exceed the costs of carrying out the works plus any fees and other charges as notified in the approval notice
18. In the case of a participant who has provided an Owner-occupation Certificate their contribution shall be calculated as laid out in the Test of Resources for Owner-Occupiers, with a maximum contribution of the lesser of £2,000, or 10% of the cost of the works and fees and other costs payable, based upon the Council's estimate of the cost of works at the date the participant signs the Scheme Consent.
19. In the case of a participant who has provided a Certificate of Intended Letting or a Certificate of Future Occupation, their contribution shall be the lesser of £3,000 per dwelling, or 15 % of the cost of the works and fees and other costs payable, based upon the Council's estimate of the cost of works at the date the participant signs the Scheme Consent.
20. In the case of a participant whose property is not a dwelling their contribution shall be 50% of the cost of the works and fees and other costs payable, subject to a minimum contribution of £2,000, based upon the Council's estimate of the cost of works at the date the participant signs the Scheme Consent.
21. In the case of a participant whose property is of mixed use, the costs attributed to the non-residential part shall be subject to a contribution as outlined in paragraph 20 above and, the costs attributed to the residential part shall be subject to a contribution assessed as in paragraphs 18 above and 19 above for owner-occupied residences and residences available for let, respectively.

Variation of Group Repair Scheme

22. The work content of a Group Repair Scheme can be varied any time if it becomes apparent to the Council that variations are needed. The Council shall inform all affected participants of the variation and give them a chance to respond unless the variation is required by law or it is impractical to inform participants.

Conditions of Participation

23. An assisted participant shall abide by the under mentioned conditions in paragraphs 24 below, 25 below, 26 below and 27 below as appropriate, for three years from the Completion date – the Conditions Period.
24. Sale of the property during the scheme conditions period is a breach of the conditions.
25. If an Owner-occupation Certificate has been given the participant must occupy property, within 1 month of completion, and throughout the rest of the Conditions Period unless the Council agree otherwise.
26. If a Certificate of Intended Letting has been given the property must be made available for letting on an assured tenancy or other such tenancy as agreed by the Council prior to the approval of the scheme, to the satisfaction of the Council unless the Council agrees otherwise.
27. If a Certificate of Future Occupation was given, the property must be residentially occupied or available for residential occupation, in accordance with the intention stated in the certificate.
28. The assisted participant shall keep the property maintained to a reasonable standard for ten years from the Completion Date.

29. No further grants/group repair schemes/equity shares will be paid for works already assisted via a Group Repair Scheme, for 10 years from the Completion Date.
30. The Council can vary any of these conditions with the agreement of the participant, either in a particular case, a particular scheme or generally.
31. It is also a condition of participation as an assisted participant that if at any time whilst the conditions are in force, the Council serves notice on the owner of the property for the time being, requiring him to do so, he will within 21 days beginning with the date shown on the notice, furnish to the authority a statement showing how the conditions are being fulfilled. Failure to do so will entitle the Council to consider that the conditions have been breached and enable the Council to take action under paragraph 33 below.

Penalty for Breaching the Conditions

32. The Council may recover the cost of the scheme works to the particular property less any contribution from the participant or the current owner of the property. The Council may at its discretion accept a lesser sum or may waive repayment.

Other

33. If at any time the Council receive a payment from the assisted participant or from any one else as regards the property, equal to the amount to the cost of the scheme as notified to the participant, less any contribution made by the participant, then the conditions shall cease to have effect.
34. The amount of the repayment referred to in paragraph 33 above, may be reduced at the discretion of the Council.
35. The conditions shall be a local land charge.

Facelift Schemes

36. The Council may prepare a scheme – A Facelift Scheme – for carrying out a scheme of improvement to the appearance of a block of properties.
37. The scheme of improvement can include the following works – repairs / replacement of rainwater goods, roofing, pointing, rendering, boundary and division walls and fences, paving, stonecleaning of elevations, and any necessary supporting works to improve the appearance of the property and any fees or charges incurred by the Council in carrying out the works.

Participation in a Facelift Scheme

38. A person is eligible to participate in a Facelift Scheme if at the date of the approval of the scheme he has an owner's interest in a dwelling or other property included in the scheme, and he is either able to give possession to allow the works to be carried out, or has the consent of any legal occupier to the carrying out of the works.
39. A person who is eligible to participate in a Facelift Scheme shall do so by signifying their acceptance of the terms and conditions of the Facelift Scheme, and of the works proposed to their properties, in writing – The Scheme Consent.
40. Once a participant has signed the Scheme Consent, he shall be liable for any losses sustained by the Council, if he subsequently withdraws his agreement.
41. No works shall be carried out to any property for which a Scheme Consent has not been obtained by the Council, unless the works are in the opinion of the Council essential to the carrying out of the Facelift Scheme and the owner of the property has consented to the works being carried out. The Scheme Consent shall be in a form determined by the Council.

42. When the works specified in the Scheme Consent have been completed to the satisfaction of the Council, the Council will send to each participant a statement to that effect.

Contributions by Participants

43. Where the property concerned is a dwelling there is no participant contribution.
44. Where the property concerned is not a dwelling, the participant shall pay 50% of the costs of the scheme to the property, based upon the Council's estimate of the cost of works at the date the participant signs the Scheme Consent.
45. Where the property is in mixed use, the participant shall pay 50% of the costs of the work to the non-residential part of the property, and nothing as regards the residential part, based upon the Council's estimate of the cost of works to the non-residential part at the date the participant signs the Scheme Consent.
46. The Council may vary the contribution from 50% in any particular case, subject to the participant knowing the amount of contribution required before being asked to sign the Scheme Consent form.

Grants

47. This method involves the Council offering assistance to house owners, to help them carry out works on their properties.

Energy Saving Grants

48. The Council may award a grant – an Energy Saving Grant – to provide or assist in the provision of any works to improve the energy efficiency of a dwelling. The works that can be aided include work to improve insulation, draft proofing, provision of central heating and associated water heating for the first time, replacement of defective boilers with high efficiency boilers, renewable energy sources.

Eligibility to Apply for an Energy Saving Grant

49. A person is eligible to apply for an Energy Saving Grant if he has an owner's interest in the dwelling concerned and is living in the dwelling.
50. That person or his partner, who must be living in the dwelling concerned, must be over 60 years of age on the date of the application.
51. A person can only record an interest in an Energy Saving Grant with the Council and go on any list of applicants, if he or his partner, living in the property, is over 60 years of age.
52. The dwelling that is the subject of the application must not be in an area identified for clearance or which is the subject of a study that might result in clearance.

Nomenclature of Energy Savings Grants

53. The Council may style any particular Energy Savings Grants, or group of Energy Savings Grants, by a specific title intended to allow an easier explanation of the assistance to residents of the Borough.

Form of Application

54. The application must be in the form set out by the Council, providing the details required by the Council.
55. The application must be accompanied by a list of works to be carried out and one or more estimates of the cost of carrying out the works, as specified by the Council.
56. The Council may require the owner to provide evidence of his interest in the dwelling.

Approval of Application

57. The Council may approve an application for an Energy Saving Grant.
58. If they do so they shall issue an Approval Notice, giving details of the amount of the grant, the cost of works that are considered eligible for grant aid and the cost of any fees or other costs payable, and a list of works that the Council has agreed will be eligible for grant aid.
59. If after the Approval Notice has been issued, the Council is satisfied that owing to circumstances beyond the control of the Applicant, the cost of the works must be increased, or has reduced or additional works must be carried out, the Council can reconsider and amend the Approval Notice.

Amount of Grant

60. The amount of grant will be the reasonable cost of carrying out the work specified in the approval, less the value of any other grants that the applicant is eligible to receive subject to a maximum Energy Saving Grant of £287.50, of which 15% will be retained by the Council, giving a maximum grant for works of £250.

Subsequent Applications

61. An applicant may make any number of applications subject to them not receiving more than £500 grant aid for works for any single property in any period of three years, and to the completion of the works aided under a previous application, before a subsequent application is approved.

Conditions

62. The applicant must make a claim for any assistance with the works that he or his partner or anyone else living in the property is eligible to claim from bodies other than Hyndburn Borough Council, unless the Council decides otherwise in that particular case
63. The applicant must remain in ownership and occupation of the property from the date of application until the works are completed and certified as complete by the Council.
64. If the applicant breaches the condition set in paragraph 63 above, the Council can refuse to pay any grant or any further grant and can recover any grant paid as a civil debt.
65. No further assistance will be provided as regards the works assisted with an Energy Saving Grant for a period of ten years after the completion date.

Equity Share

66. The Equity Share is a system of offering a loan for repairs and improvements to property, or to assist in the relocation of persons displaced by clearance.

General Terms and Conditions of Equity Share

67. The Council may make a loan by means of an Equity Share available to qualifying persons to assist with the carrying out of works of repair and improvement (an Equity Share for Renovation) or to assist a qualifying person who is being displaced from his current home by the Council in order that the current home may be demolished (an Equity Share for Relocation).
68. Before approving an application for an Equity Share, the Council must be satisfied by a statement in writing that the applicant has either consulted a suitably qualified Independent Financial Advisor or has declined the opportunity to do so and so informed the Council in writing.

69. The costs of any such consultation shall be met by the Council irrespective of whether or not the applicant subsequently proceeds with an application for an Equity Share.
70. The Council will determine whether or not a particular Independent Financial Advisor is suitably qualified, and shall provide any applicant with a list of suitably qualified persons who are accessible to the applicant.
71. The Equity Share will be held as a mortgage by the Council.
72. The Equity Share will be a Land Charge and will be registered with the Land Registry.
73. Whilst part or all of the Equity Share is still outstanding the Council will retain a right to be informed of further lending secured upon the property.
74. It is a condition of the scheme that the applicant occupies the property which is subject to the Equity Share, within 28 days of the payment of the Equity Share or of the last part payment of the Equity Share if it is paid in instalments, and resides there as his only residence during the time that the property is subject to the Equity Share.
75. It is also a condition of the payment of an Equity Share that if at any time whilst the conditions are in force, the Council serve notice on the owner of the property for the time being, requiring him to do so, he will within 21 days beginning with the date shown on the notice, furnish to the authority a statement showing how the conditions as to occupation are being fulfilled. Failure to do so will entitle the Council to consider that the conditions have been breached and enable the Council to take action under paragraph 93 below.

Calculation of the Equity Share

76. The Equity Share amount shall be the amount of money provided to the applicant under the scheme.
77. The amount shall be held as a mortgage on the property to which either works were carried out (Equity Share for Renovation or Conversion) or to which the applicant moved after displacement (Equity Share for Relocation) in favour of Hyndburn Borough Council.
78. The Equity Share will not bear any interest.
79. An administrative fee will be added to the Equity Share upon repayment. The fee will be a charge for each full year that passes between the date of the payment of the Equity Share, or the date of the payment of the last portion of the Equity Share if it is paid in instalments, and the date the Equity Share is repaid to the Council.
80. The applicant will be informed of the administrative fees before confirming his application, and once an Equity Share is approved the fee will not be varied in that particular case.

Repayment of the Equity Share

81. If the applicant sells or transfers his interest in the property in any way, the Equity Share plus any relevant administrative fees must be repaid to the Council.
82. If a property subject to an Equity Share is transferred under the provisions of a will made by the applicant or applicants to another person(s) over the age of 18, living in the property at the time of the death of the applicant and who have been resident at the property for two years before the death of the applicant, then that transfer will not be subject to the repayment of the Equity Loan and relevant administrative fees, but any subsequent sale, taking of a secured loan on the property or transfer of interest will require repayment of the Equity Loan and associated fees.

83. Where a property subject to an Equity Share is transferred under the provisions of a will made by the applicant or applicants, for the benefit of one or more minors who were dependant upon that applicant or applicants at the time of their death, then the transfer will not be subject to the repayment of the Equity Loan and relevant administrative fees, but any subsequent sale, taking of a secured loan on the property or transfer of interest will require repayment of the Equity Loan and associated fees unless the Council agree to defer the repayment until a further sale or transfer of interest, or taking of a secured loan.
84. In the case of joint applicants the death of the last surviving applicant will trigger any requirement for repayment.
85. The applicant can repay part or the entire Equity Share at any time.
86. If payment of the whole amount is made then the administrative fee mentioned in paragraph 79 above will be added to the Equity Share originally made, and the payment must be for the whole outstanding amount including that administrative fee.
87. If the Council are satisfied that the market value of the property against which the Equity Share was secured, has reduced through no fault of the applicant, it may at its discretion accept a lesser amount subject to the amount recovered being in the same ratio to the current market value as was the original loan to the market value of the property at the time of the payment of the Equity Share.

Insurance of any Property subject to an Equity Share

88. During any period when a property is subject to an Equity Share, the applicant or any subsequent owner must have the property insured against any damage that might reduce its value, and must annually on the anniversary of the completion date, or at some other date as agreed by the Council, provide a copy of the insurance to the Council.
89. Any such insurance policy must refer to the Council as an interested party.
90. It is also a condition of the approval of an Equity Share that if at any time before the full repayment of the Equity Share, the Council serve notice on the owner of the property for the time being, requiring him to do so, he will within 21 days beginning with the date shown on the notice, furnish to the authority details of the insurance policy or policies held on the property.
91. Failure to do so will entitle the Council to consider that the conditions have been breached and enable the Council to take action under paragraph 93 below.
92. If the Council finds that insufficient insurance has been arranged for the property, the Council will reserve the right to insure the property adequately itself and charge the costs of doing so together with reasonable costs of the Council arranging the insurance, to the Equity Share.

Breaches of Conditions

93. If any of the conditions of this policy are breached the Council may require the repayment of the Equity Share plus any administrative fees as described in paragraph 79 above, upon 28 days notice.

Equity Share for Relocation

94. The Council may resolve when making a resolution to purchase a dwelling for demolition, redevelopment, improvement or any other purpose, to allow occupiers of properties subject to that resolution, to apply for assistance to purchase a replacement property for their own occupation in accordance with the provisions of this Policy.

95. The Council may resolve that such assistance be available in the case of properties that are purchased by others on behalf of the Council.

The Defined Area for the Purchase of a replacement property

96. The displaced person may purchase as a replacement property any property situated within the Boroughs of Blackburn with Darwen, Burnley, Hyndburn, Pendle, Ribble Valley and Rossendale.
97. The displaced person may purchase as a replacement property a property situated outside the area defined in paragraph 96 above, with the agreement of the Council.

Eligibility to Apply for an Equity Share for relocation

98. A person is eligible to apply for an Equity Share for Relocation if he has held an owner's interest and was resident in a property in an area subject to a resolution as described in paragraphs 94 above or 95 above, at the date upon which those resolutions were made, and has remained resident in the property until the date of the Council taking ownership of the property.
99. A person is eligible to apply for an Equity Share for Relocation if he has been a tenant and was resident in a property in an area subject to a resolution as described in paragraphs 94 above or 95 above, at the date upon which those resolutions were made, and has remained resident in the property until the date of the Council taking ownership of the property. The person must produce a formal tenancy agreement.
100. For the purposes of this part, a person who is claiming assistance as a tenant will retain his eligibility even if he subsequently purchases the property in which he is resident or purchases a long leasehold of the property.

The Replacement Property

101. To be eligible to apply for an Equity Share for Relocation, the applicant must be purchasing an owner's interest in a replacement property, situated in the Defined Area, and must provide an Owner-Occupation Certificate as regards the replacement property.
102. The replacement property shall be of the same size and type as the property from which the household was displaced.
103. The replacement property must be 'in good repair or the applicant may use part of the Equity Share for Relocation to carry out any repairs and improvements agreed by the Council, to put the property in good repair, provided the replacement property is within the Borough of Hyndburn.
104. The following categories of properties will not be considered for an Equity Share for Relocation;
 - Properties for sale at auctions;
 - Caravans, houseboats, or mobile homes;
 - Properties offered at a discount or on shared ownership terms by a registered social landlord, local authority or other public body;
 - Property which is part of a self-build scheme or proposal;
 - Property owned or part owned by the applicant, the applicant's partner, a family member or business associate (someone who is the applicant's business partner or fellow director);
 - The home the applicant is currently renting;
 - Properties occupied by sitting tenants.

Form of Applications

105. The application for an Equity Share for Relocation must be in the form set out by the Council, providing the details required by the Council; in particular the application must set out the size of the household that is being displaced.
106. The application must be accompanied by such details about the replacement property as required by the Council.
107. The Council will require the owner to provide evidence of his interest in the dwelling from which he is to be displaced.
108. Where subsequent to the making of an application, the replacement property ceases to be available for purchase for any reason; the applicant can submit a revision to the application providing the relevant details for another replacement property.

Approval of Application

109. The Council may approve an application for an Equity Share for Relocation.
110. If they do so they shall issue an Approval Notice, giving details of the amount of the Equity Share payable, the details of any administrative charges that may be payable at the date of repayment and the address of the replacement property.
111. If after the Approval Notice has been issued, the Council is satisfied that owing to circumstances beyond the control of the Applicant, the value of the purchase has increased or decreased, the Council may reconsider the amount of Equity Share to be paid and amend the Approval Notice as necessary.

Amount of the Equity Share for Relocation

112. The amount of the Equity Share for Relocation will be the difference between the value of the replacement property as certified by the District Valuer, and the sum of the amount of compensation paid for the property from which the applicant was displaced, and any Home Loss payment.
113. In valuing the replacement property the District Valuer will also provide a notional valuation of a property equivalent in size and type to the actual replacement property but located in the Defined Valuation Area for the scheme.
114. In the case of any schemes involving eligibility for an Equity Share for Relocation, the Council will define a Defined Valuation Area, this being an area the Council considers to be an area which is reasonable and possible for the displaced person to move to, taking into account the availability of suitable housing for the displaced person. The Council may change the Defined Valuation Area at any time, subject to such change not effecting displaced persons who have already completed an application for an Equity Share for Relocation, unless the displaced persons agreed to the variation.
115. In considering the amount of compensation payable, no deduction will be made for outstanding mortgages.
116. The Equity Share for Relocation shall not in any case exceed £37,500.
117. The Council shall review the limit set in paragraph 116, at intervals in order to ensure that it fairly reflects the difference between the amount of compensation received and the reasonable costs of buying an appropriate property, and in any case will review the limit annually.
118. Where an applicant wishes to buy a larger property than is justified by this Section, the District Valuer will be asked to provide a notional value for a property of a size equivalent to the property from which the applicant is being displaced, and this notional value will be used as the certified value in the calculation outlined in paragraph 112 above.
119. In considering whether the applicant is buying a larger property than they need, any applicant can purchase a property with at least two bedrooms without penalty.

Payment of the Equity Share for Relocation

120. The amount of the Equity Share for Relocation will be paid to the applicant on the date of his purchase of the replacement property – The Completion Date.
121. With the written agreement of the applicant the grant may be paid to his personal representative.

Conditions of receiving an Equity Share for Relocation

122. A person who has received an Equity Share for Relocation shall keep the property maintained to a reasonable standard for the period in which the Equity Share is outstanding.
123. The Council can vary any of these condition with the agreement of the Applicant, either in a particular case, a particular scheme or generally.

Supplementary Assistance for a Disabled Person.

124. The Council may offer additional assistance by way of Supplementary Assistance for a Disabled Person; to displaced households which contain a disabled person.
125. To qualify for Supplementary Assistance for a Disabled Person, there has to be a applicant within the household who qualifies for an Equity Share for Relocation.
126. The supplementary assistance is available where the displaced household can demonstrate that the need to cater for a disabled person or persons in the

household, requires the purchase of a replacement property that has a market value such that the Equity Share for Relocation calculated as set out in paragraphs 115 to 119 above, exceeds the maximum loan set out in paragraph 116 above because of specific features that are necessary to facilitate the occupation by the disabled person or persons..

127. The Council will consult with the Welfare Authority to ascertain that the applicant is disabled, or that a disabled person or persons, is or are, part of the displaced household, and that the specific features of the property mentioned in paragraph 126 above are reasonably necessary to facilitate the occupation by the disabled person or persons.
128. The limit to the amount of Supplementary Assistance for a Disabled Person, will be arrived at by considering the additional costs incurred by the applicant because of the enhanced market value of the replacement property, due to the specific features.
129. The enhanced market value will be the maximum amount of Supplementary Assistance for a Disabled Person payable.
130. The provisions of paragraph 114 above shall apply but the Defined Valuation Area will not be limited in extent.
131. In all other respects the terms and conditions of Supplementary Assistance for a Disabled Person as laid out for Equity Share and Equity Share for Relocation.
132. Where an applicant or a disabled member of the displaced household, have the right to apply for a Disabled Facilities Grant under the provisions of the Housing Grants, Construction and Regeneration Act 1996, no Supplementary Asssitacen for a Disabled Person will be payable for works that could be carried out under a Disabled Facilities Grant.

Supplementary Assistance for Households containing Vulnerable Persons.

133. For the purposes of this Supplementary Assistance for Households containing Vulnerable Persons, 'Vulnerable Person' is defined as a person who has a housing related support or care need, recognised by the Welfare Authority or relevant Primary Care Trust.
134. The Council may offer additional assistance by way of Supplementary Assistance for Households containing Vulnerable Persons; to displaced households which contain a vulnerable person or persons as defined in paragraph 133 above.
135. To qualify for Supplementary Assistance for Households containing Vulnerable Persons, there has to be a applicant within the household who qualifies for an Equity Share for Relocation.
136. The supplementary assistance is available where the displaced household can demonstrate that the need to cater for a vulnerable person or persons in the household, requires the purchase of a replacement property that has a market value such that the Equity Share for Relocation calculated as set out in paragraphs 115 to 119 above, is restricted to less than the maximum allowed in 116 above due to a suitable replacement property not being available in the Defined Valuation Area because of specific features that are necessary to facilitate the occupation by the vulnerable person or persons.
137. The Council will consult with the Welfare Authority or the relevant Primary Care Trust to ascertain that a Vulnerable Person is part of the displaced household, and that the specific features of the property mentioned in paragraph 136 above¹²⁶ above are reasonably necessary to facilitate the occupation by the disabled person or persons.

138. The limit to the amount of Supplementary Assistance for Households containing Vulnerable Persons, will be arrived at by considering the additional costs incurred by the applicant because of the enhanced market value of the replacement property, due to the specific features but in any case the aggregate of the Equity Share for Relocation and the Supplementary Assistance for Households containing Vulnerable Persons, shall not exceed the maximum amount for Equity Share for Relocation set out in paragraph 116 above.
139. In all other respects the terms and conditions of Supplementary Assistance for Households containing Vulnerable Persons are as laid out for Equity Share and Equity Share for Relocation.
140. An applicant for Additional Assistance for Households containing Vulnerable Persons, must qualify

Equity Share for Renovation

141. The Council may approve the payment of an Equity Share for Renovation as regards repairs and improvements to a dwelling or the conversion of a building into one or more dwellings, or the creation of a larger dwelling from two or more adjacent dwellings.
142. The works referred to in paragraph 141 above may include all or some of the following as decided by the Council in each case – any works which are required to remove a Category 1 Hazard from the property, works to put the property into reasonable repair, works to enable the dwelling to meet the Decent Homes Standard, works to create one or more properties from an existing building or dwelling,, works to create adequate thermal and acoustic insulation, adequate heating systems, satisfactory internal arrangement, together with any fees required by statute or for the preparation or supervision of the works.
143. In any particular case of the approval of an Equity Share for Renovation, the Council may determine that the dwelling subject to the approval shall meet the Decent Homes Standard, or such lesser standard as decided by the Council.
144. In any particular case of the approval of an Equity Share for Renovation concerns the creation of one or more dwellings, the Council may determine that the dwellings created by the approved scheme shall meet the Decent Homes Standard and any other standard determined by the Council, or such lesser standard as decided by the Council.

Eligibility to Apply for an Equity Share for Renovation

145. A person is eligible to apply for an Equity Share for Renovation if at the date of the application and approval of the Equity Share he has an owner's interest in a dwelling or in the case of a conversion any building, or all of any existing dwellings affected by the application, and he is either able to give possession to allow the works to be carried out, or has the consent of any legal occupier to the carrying out of the works.
146. The Council will not approve an Equity Share for Renovation unless the application is accompanied either by an Owner-occupation Certificate or a Certificate of Intended Letting as regards the dwelling or all the dwellings to be created.
147. Where a Certificate of Intended Letting has been given the owner or his contracted manager must be a member of the Hyndburn Accredited Landlords Scheme.
148. The property which is the subject of the application must have been provided more than ten years before the date of the application.

Nomenclature of Equity Share for Renovation

149. The Council may style any particular Equity Share for Renovation, by a specific title intended to allow an easier explanation of the assistance to residents of the Borough.

Form of Application for an Equity Share for Renovation

150. The application for an Equity Share for Renovation must be in the form set out by the Council.
151. The application must be accompanied by a relevant Owner-occupier Certificate, or a Certificate of Intended Letting for every property mentioned in the application.
152. The works that it is proposed to carry out with the Equity Share for renovation must be carried out under the supervision and control of the Council.
153. The Council will agree the works with the applicant.
154. The Council will tender the agreed works and will then supervise the works and certify completion.
155. The applicant has the right to appeal to the Council, at any time if he is not satisfied with the standard of the works being carried out under the Council's supervision.
156. The Council will add a charge of 15% of the cost of the works (not including any statutory fees) to the Equity Share for Renovation, to reflect the supervision of the works.

Approval of an Application for an Equity Share for Renovation

157. The Council may approve an application for an Equity Share for Renovation.
158. If they do so they shall issue an Approval Notice, giving details of the amount of the Equity Share payable divided between the cost of works and the cost of any fees or other costs payable, and a list of works that the Council has decided must be carried out to enable the Equity Share to be paid.
159. If after the Approval Notice has been issued, the Council is satisfied that owing to circumstances beyond the control of the Applicant, the cost of the works has increased, or reduced or that additional works must be carried out, the Council may amend the amount of Equity Share to be offered and amend the Approval Notice accordingly.

Amount of Equity Share for Renovation

160. The amount of the Equity Share payable is the reasonable cost of carrying out the works specified in the Approval Notice, any statutory payments and the charge by the Council of 15% of the cost of works.
161. The Council may determine the limit, the maximum or minimum amount for an Equity Share, either generally or as regards a particular case or group of cases, but any change in the limit will not affect those Equity Shares where an approval has been issued.

Payment of the Equity Share for Renovation

162. Where the Council has approved an Equity Share for Renovation, they will pay the Equity Share, subject to the works listed in the approval and any amended approvals, being completed to their satisfaction.
163. The Equity Share may be paid in whole at the completion of the works, or in part by instalments as the work progresses with the balance at completion.
164. When the Council are satisfied that the works specified in the Approval Notice and any Amended Approval notices, have been completed to the Council's satisfaction, they shall send to the applicant a certificate stating the date upon which the works

were competed, that the works were completed to the satisfaction of the Council and specifying the total amount of money spent on their property, and the amount of that money which was spent on works and which was spent on fees and other costs payable.

165. If the Council becomes aware of any dispute between the applicant and the contractor carrying out the works, the Council reserves the right to withhold payment until the dispute is resolved or both parties in writing state their wish that the payment be made.

Conditions of receiving an Equity Share for Renovation

166. The applicant must keep the property in a reasonable state of repair for the duration of the Equity Share.
167. If at any time the property is not in reasonable repair the applicant must provide the Council with his proposals to put the property into reasonable repair.
168. Where works have been carried out assisted by an Equity Share, those works will not be eligible for further assistance for a period of ten years from the Completion date, unless the Council agrees otherwise.
169. Where one or more Certificates of Intended Letting have been given, the property or properties subject to the Equity Share must be let on an Assured or Assured Shorthold Tenancy, or be kept available for letting, to someone who is not member of the applicant's family, within 28 days of the Completion date.
170. Where one or more Certificates of Intended Letting have been given and the property becomes empty during the duration of the Equity Share, the applicant shall inform the Council.
171. Where one or more Certificates of Intended Letting have been given, and there is not a sitting tenant at the Approval Date, or if the property becomes vacant during the duration of the Equity Share, the Council has a right to nominate to the applicant a tenant for the property, within fourteen calendar days of the Council being notified or otherwise becoming aware of the vacancy.

Penalty for Breaches of the Conditions

172. If any of the conditions of this policy are breached the Council may require the repayment of the Equity Share plus any administrative fees as described in paragraph 79 above, upon 28 days notice.

General Conditions

173. No assistance under this Policy will be available to a person who is under the age of 18 on the date of the application.
174. No assistance under this Policy will be given where the works to be assisted have been commenced and completed before the Council has approved an application for assistance.
175. Where the works have begun but are not completed, the Council will not offer assistance for works that were completed prior to the Council issuing an approval notice. Where works have commenced, the Council shall treat any application as being varied to exclude those works from receiving assistance.
176. Where an application for assistance has been approved, but the Council subsequently discover that the applicant or participant was not entitled to apply or participate, the Council may refuse to pay any further assistance, and may recover any assistance already paid, including interest from the date of payment until the assistance is repaid, at such reasonable rate as the authority may determine.

177. Where the same assisted participant or applicant who has received assistance under this policy, was required to make a contribution to the cost of works under either Test of Resources, applies for further assistance for that property, and is assessed as having to make a contribution by either Test of Resources, the second or subsequent contribution shall be reduced by the aggregate of the first or earlier contributions, provided that the period that any contribution as regards a grant or Group Repair Scheme whose approval date was ten years or more before the date of the application in question will not be taken into account in the reduction.
178. The Council may pay any grant or part of grant or moneys or part of moneys direct to the contractor who has carried out the works.
179. The Council may refuse to approve any assistance if it considers that the person who it is proposed will carry out the works set in the application is not competent to do so in the opinion of the Council.
180. After any assistance has been approved if the Council discovers that the person carrying out the works, or who is proposed to carry out the works, or part thereof, is not competent to do so, the Council may cancel the approval, and may recover any monies paid to the applicant as part of the assistance.
181. The Council may in agreement with a person having a requisite interest in a property, execute at this expense any works that would be eligible for assistance under this policy, whether or not such assistance has been applied for and approved.
182. Any applicant for assistance under this policy must make a claim for any assistance with the works that he or his partner or anyone else living in the property is eligible to claim from bodies other than Hyndburn Borough Council, unless the Council agrees otherwise.
183. For the purposes of this Policy's implementation, the Council may establish named products complying with the terms and conditions of this Policy.
184. Where a condition or rule involves the determination of the market value of a property, the Council is entitled to determine that value by reference to the District Valuer.

Definitions

185. Except where varied below the definitions contained in the relevant legislation in effect on the 1 April 2003 are retained in the Policy.

“Applicant” – Means the person who has applied for assistance. ‘Applicant’ includes joint applicants where applicable and in such cases all applicants must abide by any conditions imposed.

“Certificate of Future Occupation” - Means a certificate in the format required by the Council that certifies that the person has an owner's interest in the house or part of it, as specified in the certificate, and that he intends to occupy the property as his main and only residence throughout the duration of the Equity Share.

“Certificate of Intended Letting” – Means a certificate in the format required by the Council that certifies that the person has an owner's interest in the dwelling and that he intends that throughout the duration of the Equity Share the dwelling will be let or available for letting as a residence on an Assured Tenancy or Assured Shorthold tenancy, and not to a member of his family, nor for a holiday.

“Exterior” or “External Envelope” – any part of the building which is exposed to the elements of wind and rain or otherwise faces the open air, and the curtilage of the building including boundary or retaining walls.

“Family” or “Members of a Person’s family” – A person is a member of another’s family for the purposes of this Policy if;

- (a) he is the spouse or partner of that person or he and that person live together as husband and wife, or as civil partners whether confirmed in law or otherwise,
- (b) He is that person’s parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew or niece.

For the purposes of this Policy a relationship by marriage shall be treated as a relationship by blood, a relationship by half-blood shall be treated as a relationship by blood, the stepchild of a person shall be treated as his child, and an illegitimate child shall be treated as the legitimate child of his mother and reputed father.

“Owner-occupier Certificate” – Means a certificate in the format required by the Council that certifies that the person has an owner’s interest in the dwelling and that he or a member of his family, intends throughout the relevant Conditions Period to live in the dwelling as his or that members, only or main residence

“Owner’s Interest” – In relation to any premises means –

An estate in fee simple absolute in possession, or

A term of years absolute of which not less than five years remains unexpired at the date of the application

“Reasonable Repair” – In determining for the purpose of this Policy what is reasonable repair in relation to a dwelling, house or building, the Council shall have regard to the age, and character of the dwelling, house or building and the locality in which it is situated and shall disregard the state of internal decorative repair.

“Test of Resources for Landlords” – The Council will continue to use the method whereby the contribution of the landlord is based upon the notional increase in rental income due to the assisted works, as assessed by the Rent Officer. The notional increase in weekly rent certified by the Rent Officer is placed into the following formula and the contribution is the product of the calculation.

$$\text{Contribution (£)} = (\text{NI} \times 52) / (\text{EI} / 100 + (\text{EI} / 100 / ((1 + \text{EI} / 100)^{\text{Term}} - 1)))$$

Where NI = Notional Increase in rent per week.

EI = Effective Interest rate, the current Bank of England Base rate on the day of the calculation plus 3%.

Term = Ten (years).

“Test of Resources for Owner-Occupiers” – Means the process set out in Section 30 of the Housing Grants, Construction and Regeneration Act 1996 and the Regulations issued thereunder.

Appendix B – Scheme for Sorting the Order of Waiting Lists for Assistance

B1 This appendix gives the details of the Named Products under the Policy at the date of the adoption of the Policy, and the method or scheme by which applications will be ordered for processing if demand exceeds the resources available.

B2 The names of schemes can be varied at any time.

Type of Assistance	Description	Scheme for sorting any Waiting List
Group repair scheme	As laid out in policy	Determined by Council Programme
Facelift	As laid out in policy	Determined by Council Programme
Equity Share for Relocations	As laid out in policy	Determined by Council Programme
Energy Saving grant	As laid out in the policy	Date order of receipt of application
Equity Share for Renovation	As laid out in the policy	Determined by Council Programme

Appendix C – Private Sector Housing Capital Programme 2006-07

- C1 This appendix gives the outline of where and how it is intended to spend the 2006-07 allocation of resources for private sector housing.
- C2 The programme is only indicative and may be changed at any time to ensure the best use of resources in the prevailing circumstances.

Area of Expenditure		Expenditure Planned	Source
Scaitcliffe Action Area	Group Repair Schemes	£380,000	Capital Programme
	Other – Old CPO	£1,585	Capital Programme
West Accrington	Project Phoenix 1 and 2	£4,778,220	HMR/SRB
	Group Repair Schemes	£764,000	HMR
Facelift Schemes in Clayton-le-Moors		£300,000	Capital Programme
Equity Shares for Renovation in Clayton-le-Moors		£200,000	Capital Programme
Single property CPOs / Vacants		£100,000	Capital Programme
General Clearance – Old Areas		£2,500	Capital Programme
Energy Efficiency Grants to over-60s		£100,000	Capital Programme
Total Programme		£6,542,220	
Capital Programme		£1,000,000	
Other Funding		£5,542,220	

Appendix D – Exceptional Cases and the Complaints Procedure.

- D1 One of the requirements of basic Local Government law is that the Council cannot adopt policies in such a way as to totally fetter their discretion. There must be a way in which residents who feel they have exceptional cases can put those cases to the Council. The Council is bound to consider them, although not bound to accept the exception.
- D2 The Policy must offer a way for a potential applicant for assistance which is outside the laid-down and published policy to ask the Council to give them special consideration.
- D3 To facilitate this the Council will adopt a process whereby, a person requesting special or exceptional treatment, will be asked to provide details of their case in writing. A leaflet outlining the method and giving guidance on the type of information needed will be available to the public. The person will however, be able to make a personal explanation if necessary and if the Council requires it can be asked to discuss the case with relevant Members and officers.
- D4 The relevant officer will initially be responsible for investigating the case and determining the issue. At his discretion he can ask Members for guidance on the determination of, or to determine the matter.
- D5 Aggrieved applicants or members of the public may still wish to pursue a complaint. In such cases the aggrieved would be passed into the Council's main complaints system. Information on this would be included in relevant documents and leaflets.

Appendix E – Transitional Arrangements

- E1 At the date of the change to the Private Sector Housing Renewal Policy, the Council will have a considerable number of enquiries on various waiting lists for grants of various types.
- E2 Before the passing of this Policy, the Council has a preliminary enquiry system. This means that potential applicants go on a waiting list and are only asked to complete a formal application when money is available to offer them a grant if appropriate.
- E3 As regards the waiting list, it is proposed that all those on the list be informed of the change in policy, given details of the new assistance, and give them the option to switch to an Equity Share for Renovation or other appropriate policy tool.
- E4 Where we have asked that a person becomes a participant in a Group Repair Scheme and makes an application, then the conditions appertaining to the Policy in force at the time of the invitation will apply, unless the Council and applicant agree to adopt the relevant terms and conditions within this Policy.
- E5 Where a grant or scheme has been approved prior to the date of adoption of this policy, than the conditions and terms applicable at the time of approval of that grant or scheme shall remain in force, unless the Council and applicant agree to adopt the relevant terms and conditions within this policy.