

Report of the Chief Executive**RECLAIM OF DISABLED FACILITIES GRANTS****1. Purpose of report**

To advise Committee of a proposal to introduce a policy to reclaim Disabled Facilities Grants (DFGs) in certain circumstances, and to amend the current DFG Policy accordingly.

2. Detail

The Council, in its role as a local housing authority, is under a statutory duty by virtue of the provisions of the Housing Grants Construction and Regeneration Act 1996 (the Act) to provide Disabled Facilities Grants for private sector residential adaptations where the appropriate legislative conditions are met.

Although the provision of mandatory DFGs is covered by the Act and the Council must comply with the legislation, the Council has a policy (adopted by Housing Committee on 17 January 2017) which is applied in the provision of DFGs with regard to matters not covered by the legislation.

The Housing Grants, Construction and Regeneration Act 1996: Disabled Facilities Grant (Conditions relating to approval or payment of grant) General Consent 2008 allows local authorities to reclaim up to £10,000 of grant, where the amount of DFG given is over £5,000, and where the recipient (owner occupier) disposes, whether by sale, assignment, transfer or otherwise, of the premises in respect of which the grant was given within 10 years of the completion date. The conditions are entered as a local land charge when the grant is completed. There are certain criteria under which a local authority has the discretion to waive repayment and these are shown, with an extract of the legislation, in appendix 1.

Currently, Broxtowe has not adopted this legislation. However, it is considered that to do so would be financially beneficial to the Council and due to the safeguards provided by the legislation, would not adversely impact on any disabled person. We currently do not know how many relevant disposals occur each year to trigger a demand for repayment but other authorities have advised of total repayments ranging from zero to £60,000 in a single calendar year.

Appendix 2 has a suggested addition to the Council's DFG Policy requiring repayment of the whole grant over £5,000 (up to £10,000 maximum) where a non-exempt disposal is made.

Recommendation

The Committee is asked to CONSIDER the proposed amendment to the DFG Policy and RESOLVE accordingly.

Background papers

Nil