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To: Chair & Members of the Executive

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Friday, 6th May 2022

Dear Councillor

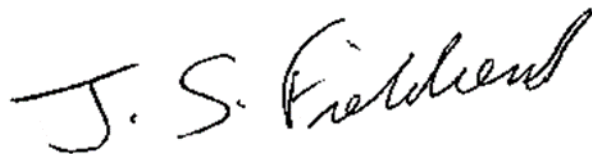
EXECUTIVE

You are hereby summoned to attend a meeting of the Executive of the Bolsover District Council to be held in the Council Chamber, The Arc, Clowne on Monday, 16th May, 2022 at 10:00 hours.

Register of Members' Interests - Members are reminded that a Member must within 28 days of becoming aware of any changes to their Disclosable Pecuniary Interests provide written notification to the Authority's Monitoring Officer.

You will find the contents of the agenda itemised on pages 2 and 3.

Yours faithfully



Solicitor to the Council and Monitoring Officer



Bolsover
District Council

We speak your language
Polish **Mówimy Twoim językiem**
Slovak **Rozprávame Vaším jazykom**
Chinese **我们会说你的语言**

**If you require this agenda in large print
or another format please call us on 01246 217753**

If you require an adjustment to enable you to participate in or access the meeting please contact the Governance Team at least 72 hours before the meeting starts.

EXECUTIVE

AGENDA

Monday, 16th May, 2022 10:00 hours taking place in the Council Chamber, The Arc, Clowne

Item No.	PART 1 – OPEN ITEMS	Page No.(s)
1.	Apologies For Absence	
2.	Urgent Items of Business To note any urgent items of business which the Chairman has consented to being considered under the provisions of Section 100(B) 4(b) of the Local Government Act 1972.	
3.	Declarations of Interest Members should declare the existence and nature of any Disclosable Pecuniary Interest and Non Statutory Interest as defined by the Members' Code of Conduct in respect of: a) any business on the agenda b) any urgent additional items to be considered c) any matters arising out of those items and if appropriate, withdraw from the meeting at the relevant time.	
4.	Minutes To consider the minutes of the last meeting held on 4 th April 2022	4 - 8
	<u>MATTERS REFERRED FROM SCRUTINY</u>	
5.	Review of Council Owned Adapted Accommodation	9 - 51
6.	Welfare Adaptations Policy	52 - 68
	<u>BUDGET & POLICY FRAMEWORK ITEMS</u>	
7.	Business Rates Mandatory and Discretionary Rate Relief Policy	69 - 83
8.	Council Tax Discretionary Relief Policy	84 - 93
9.	Exclusion of the public To move:- “That under Section 100(A)(4) of the Local Government Act 1972 (as amended), the public be excluded from the meeting for the following items of business on the grounds that they involve the likely	

disclosure of exempt information as defined in the stated Part 1 of Schedule 12A of the Act and it is not in the public interest for that to be revealed.” [The category of exempt information is stated after each item].

PART 2 - EXEMPT ITEMS

KEY DECISIONS

- | | | |
|------------|---|-----------------|
| 10. | Disposal of Commercial Property at Bramley Vale
Exempt Paragraph 3 | 94 - 100 |
|------------|---|-----------------|

EXECUTIVE

Minutes of a meeting of the Executive of the Bolsover District Council held in the Council Chamber, The Arc, Clowne, on Monday 4th April 2022 at 1000 hours.

PRESENT:-

Members:-

Councillor Steve Fritchley in the Chair

Councillors Mary Dooley, Clive Moesby, Duncan McGregor, Sandra Peake, Liz Smyth and Deborah Watson.

Officers:- Grant Galloway (Executive Director of Strategy and Development, Karen Hanson (Executive Director of Resources), Pam Brown (Assistant Director Leader's Executive, Partnerships and Communications), Jim Fieldsend (Interim Monitoring Officer), Joanne Wilson (Scrutiny and Elections Officer) (for Minute No EX103-21/22 only), Vicky Dawson (Head of Housing and Enforcement), Caroline Dagash (Senior Economic Development Officer) and Alison Bluff (Governance Officer).

EX98-21/22 APOLOGIES FOR ABSENCE

An apology for absence was received on behalf of Councillor David Downes.

EX99-21/22 URGENT ITEMS OF BUSINESS

There was no urgent business to be considered at the meeting.

EX100-21/22 DECLARATIONS OF INTEREST

There were no declarations of interest made.

EX101-21/22 MINUTES

Moved by Councillor Duncan McGregor and seconded by Councillor Sandra Peake
RESOLVED that the Minutes of an Executive meeting held on 7th March 2022 be approved as a correct record.

MATTERS REFERRED FROM SCRUTINY

EX102-21/22 REVIEW OF COUNCIL'S POLICY ON FIREWORKS

Executive considered a report presented by the Scrutiny and Elections Officer, from the Climate Change & Communities Scrutiny Committee, in relation to their review of the Council's policy on fireworks.

The review was originally agreed by the previous Healthy, Safe, Clean and Green Communities Scrutiny Committee as part of their 2020-21 work programme. Following the change in scrutiny structure for 2021-22, the Members of the new Climate Change &

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Communities Scrutiny Committee agreed to carry this work forward with a view to clarifying the Council's stance and addressing residents' concerns previously identified.

The aim of the review, objectives agreed and key issues identified for investigation, were detailed in the report.

The key findings from the review were:

- That there was limited additional impact the Council could have at a local level due to current legislation.
- To ensure service delivery remained efficient and effective across the board, Members advice was that the Council adopted the four recommendations in section 2 of the attached review report, and as set out below, as this would allow officers in the joint Environmental Health Service to take a proportionate and appropriate approach to enforcement and advice/guidance.

1 - That BDC adopt a Firework & Bonfire Event Voluntary Registration Scheme, to align our approach with neighbouring areas and provide consistency of approach to Derbyshire Fire & Rescue Service.

2 - That provision of advice and guidance on the BDC website be amended to be more accessible within the existing page.

3 - That BDC writes a follow-up letter to the Government further lobbying for change to legislation.

4 - That the Enforcement Team investigates the possibility of operating under a Community Safety Accreditation Scheme in relation to firework misuse, enabling enforcement powers similar to the Police.

Councillor Sandra Peake queried if it could be added to the recommendations that the sale of fireworks after bonfire night be banned in the District. The Scrutiny and Elections Officer noted that Derbyshire County Council looked into the restrictions on the sale of fireworks and this could not be done at a District level.

The Executive Director of Resources commented that Derbyshire Police currently do not have an accreditation scheme in place. However, a meeting had recently taken place with an Assistant Chief Constable where it had been agreed that the Council could potentially be part of a pilot scheme to agree some additional powers. The Executive Director of Resources suggested that a proposal regarding this be put forward to a future meeting of Executive for consideration.

In response to a query by Councillor Clive Moesby, the Scrutiny and Elections Officer confirmed that Scrutiny would carry out monitoring and consider an update report at the 6 month period and at the end of the 12 month period – these reports could also be presented to Executive.

Moved by Councillor Deborah Watson and seconded by Councillor Mary Dooley

RESOLVED that (1) the recommendations of the review outlined in section 2 of the attached report be endorsed,

(2) monitoring by Scrutiny Committee takes place over a twelve month period via

EXECUTIVE

the PERFORM system with an update report presented to Committee and Executive at the 6 month period and at the end of the 12 month monitoring period.

(Scrutiny and Elections Officer)

Reasons for Recommendation:

The Scrutiny Committee have put together four recommendations which will hopefully assist the Council in improving regulation of local firework displays and enforcement against misuse of fireworks.

Alternative Options and Reasons for Rejection:

While the number of contacts over recent years has been limited, Members felt that further action could be taken to enhance the approach taken by the Council. This should enable a more streamlined service for the joint team. As such a 'do nothing' option was discounted.

Executive could choose not to endorse the recommendations of the review, where they feel the course of action recommended is beyond the delivery capacity of the Authority.

The Scrutiny and Elections Officer left the meeting at this point.

BUDGET & POLICY FRAMEWORK ITEMS

NON KEY DECISIONS

EX103-21/22 SHARED PROSPERITY FUND

Executive considered a report, presented by the Portfolio Holder for Economic Development, which provided an update to Members on the contents of the UK Shared Prosperity Fund pre-launch guidance. Appendix 1 to the report set out the process to engage with internal departments and local partners to draft and formulate an Investment Plan for consideration and agreement at a future meeting.

The UK Shared Prosperity Fund (UKSPF) was a new funding initiative which was part of the UK Government's levelling up agenda. It would provide £2.6 billion of new capital and revenue funding for local investment by March 2025, with all areas of the UK receiving an allocation from the Fund via a funding formula rather than a competition

Based on the pre-launch guidance in Appendix 2 to the report, Members were asked to endorse the proposal for engaging partners and developing a draft investment plan which aligned to both the corporate priorities and those of the UKSPF, so that a draft of the Investment Plan could be brought back to a future meeting for agreement before being submitted to Government for approval.

Moved by Councillor Liz Smyth and seconded by Councillor Mary Dooley

RESOLVED that (1) the proposal for the formulation of a draft Investment Plan engaging with partners to develop initiatives, all of which align to the corporate priorities as set out in the report, be endorsed,

(2) a draft of the Investment Plan be presented to a future meeting of Executive for approval before its submission to the UK Government.

(Business Growth Manager)

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Reasons for Recommendation:

The UKSPF will be allocated to all district and unitary authorities across England with the allocation being via a funding formula rather than a competition.

Based on the pre-launch guidance in Appendix 2, Members are asked to endorse the proposal for engaging partners and developing a draft investment plan which aligns to both the corporate priorities and those of the UKSPF, so that a draft of the Investment Plan can be brought back to a future meeting for agreement before being submitted to Government for approval.

Alternative Options and Reasons for Rejection:

There is no alternative to this proposal as the UKSPF requires an Investment Plan to be submitted in order to unlock the District's funding allocation.

KEY DECISIONS

EX104-21/22 INDEPENDENT LIVING SERVICE AND COMMUNITY ALARM SERVICE

Executive considered a report which provided information of an offer to extend two contracts from Derbyshire County Council (DCC) in relation to the Independent Living Service Contract, and the Community Alarm and Telecare Contract, which were both delivered by this Council through the Care Line Service.

The Council was offered an Inter-Authority Agreement to deliver the DCC funded part of the Independent Living Service Contract and the Community Alarm and Telecare Contract services in 2019. The initial contract was for a period of 2 years with a subsequent extension until March 2022.

DCC had served an extension of contract notification, offering the Council a contract extension of both contracts until March 2023, i.e. an extension of 12 months.

The combined contracts would result in an income of £382,000 to the Council to continue to provide the services and assist with the analogue to digital switchover in 2024.

The Head of Housing and Enforcement advised the meeting that the Community Alarm and Telecare Contract would be promoted for anyone who required the service with no age limitation in place.

Members welcomed the report.

Moved by Councillor Sandra Peake and seconded by Councillor Duncan McGregor

RESOLVED that (1) the offer of a 12 month contract extension to continue to provide an Independent Living Service to people within the District be accepted,

(2) the offer of a 12 month contract extension to continue to provide a Community Alarm and Telecare Service to people within the District be accepted.

(Head of Housing and Enforcement)

EXECUTIVE

Reasons for Recommendation:

Both services are well regarded by residents and Bolsover District Council are a trusted provider.

Accepting the offer of a contract extension for both contracts is a positive outcome for customers and for the Council.

The Council continues to extend the service and attract more customers, the majority who self-fund. This is part of a strategy to ensure that the Council are not dependent on DCC funding to operate the service but would be self-sufficient if we were not successful in winning future tenders.

In order to ensure the Council is not reliant on any further DCC funding, the service continues to be extended, improved and promoted for paying customers.

The offer of a contract extension provides certainty until March 2023 and should be accepted.

Alternative Options and Reasons for Rejection:

Not to accept the contract extensions. Rejected as this would have a detrimental impact on vulnerable customers.

The meeting concluded at 1020 hours.

Bolsover District Council

Meeting of the Executive on 16th May 2022

Review of Council-owned Adapted Accommodation

Report of the Chair of Customer Services Scrutiny Committee

Classification	This report is Public
Report By	Joanne Wilson, Scrutiny & Elections Officer, 01246 242385, joanne.wilson@bolsover.gov.uk
Contact Officer	Joanne Wilson, Scrutiny & Elections Officer, 01246 242385, joanne.wilson@bolsover.gov.uk

PURPOSE/SUMMARY OF REPORT

To present to Executive the completed report for the recent Review of Council-owned Adapted Accommodation.

REPORT DETAILS

1. Background (*reasons for bringing the report*)

- 1.1 The Customer Services Scrutiny Committee agreed to undertake a Review of Council-owned Adapted Accommodation, as part of the 2021-22 Work Programme.
- 1.2 The issue was initially raised via an Executive report in April 2021, highlighting the need to evaluate our supply of family sized adapted accommodation. It was noted that the Council had recently been approached by applicants seeking very specific accommodation as a result of having younger family members with disabilities. Although these applications are relatively rare, they had raised the issue of the supply of family-sized adapted accommodation.
- 1.3 Under the Equality Act 2010 the Council has a duty to make reasonable adjustments for people with disabilities to ensure they receive the same services, as far as this is possible, as someone who is not disabled. A disability under this Act is defined as a physical or mental impairment that has a 'substantial' and 'long-term' negative effect on the ability to do normal daily activities. 'Substantial' and 'Long-term' mean:

- 'substantial' is more than minor or trivial, i.e. it takes much longer than it usually would to complete a daily task like getting dressed
- 'long-term' means 12 months or more, i.e. a breathing condition that develops as a result of a lung infection.

2. Details of Proposal or Information

2.1 The aim of the review was:

- To ensure that the Council has adequate plans and processes in place to maintain the required level of adapted accommodation for both individuals and families.

2.2 The objectives agreed were:

- Review of current policies and procedures
- Completion of an analysis of existing adapted stock inc. family-sized stock
- Assessment of demand against demographic profile of area.
- Assessment of current principles defining categorisation of stock as a 'disabled adapted property'

2.3 The key issues identified for investigation were as follows:

- Ensuring new supply through design and location of new stock – Bolsover Homes
- Location of existing stock across District
- Use of Housing management Officer information when assessing applications
- Existing approach for property categorisation
- Process for assessing demand/future demand
- Current cross-team working

2.4 The Committee met on six occasions in total and sought evidence by way of:

- Internal enquiries to establish existing policy and procedures and comparison of our policy approach with other local authorities.
- An assessment of our current supply of adapted accommodation.
- An analysis of the Districts profile in terms of health and disability and where hotspots for long-term ill health correlated to our stock profile.
- An evaluation of our procedure for categorising stock as disabled adapted.

3. Reasons for Recommendation

3.1 The Committee have put together nine recommendations which will hopefully assist the Council in improving our policy and procedures in relation to allocation and management of adapted accommodation.

3.2 The key findings arising from the review are:

- That a number of the Council's existing practices and procedures for allocation are satisfactory in addressing service delivery in this area.
- That the revised approach to officer meetings with DCC is working well to review applications and identify a clear course of action for the tenant.
- That the Council's approach to design of new stock via Bolsover Homes will ensure good quality housing and an increased supply of family-sized accommodation.
- That a revision is required to our existing policy which Members feel is met by the proposed draft which Scrutiny helped to develop.
- That the range of procedures identified during the course of the review are developed to support the effective implementation of the new Policy.
- That in order to aid officers to see stock availability at a glance, the data is mapped in both our GIS software and our data profiling tool, to aid future stock management and development.
- That the demographic profile will fill current knowledge gaps and aid future planning of additional stock.

4 **Alternative Options and Reasons for Rejection**

- 4.1 While the number of requests for family-sized adapted accommodation is far lower than for households without children or older person's accommodation, the Council still has a duty to provide accommodation that meets the needs of the tenants. As such a 'do nothing' approach was not an option and a review of the service area was required.
- 4.2 Executive could choose not to endorse the recommendations of the review, where they feel the course of action recommended is beyond the delivery capacity of the Authority.

RECOMMENDATION(S)

1. That the Executive endorses the recommendations of the review outlined in section 2 of the attached report.
2. That for recommendations approved by Executive, monitoring by Committee takes place over a twelve month period via the PERFORM system with an update report to Committee at the end of the monitoring period.

IMPLICATIONS:**Finance and Risk:** Yes ☐ No ☒**Details:**

None from this report. Suggested action for the service can be contained within existing budgets.

On behalf of the Section 151 Officer

Legal (including Data Protection): Yes ☐ No ☒**Details:**

In carrying out scrutiny reviews the Council is exercising its scrutiny powers as laid out in s.21 of the Local Government Act 2000 and subsequent legislation which added/amended these powers e.g. the Local Government and Public Involvement in Health Act 2007.

The Council has a statutory duty under s.149 Equality Act 2010 to have due regard to the need to advance equality of opportunity and to eliminate discrimination.

On behalf of the Solicitor to the Council

Staffing: Yes ☐ No ☒**Details:**

There are no staffing implications from this report.

On behalf of the Head of Paid Service

DECISION INFORMATION

Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input type="checkbox"/> <input checked="" type="checkbox"/> Please indicate which threshold applies	No
Is the decision subject to Call-In? <i>(Only Key Decisions are subject to Call-In)</i>	No

District Wards Significantly Affected	None
Consultation: Leader / Deputy Leader <input type="checkbox"/> Executive <input checked="" type="checkbox"/> SLT <input type="checkbox"/> Relevant Service Manager <input checked="" type="checkbox"/> Members <input checked="" type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/>	Yes Details: Relevant Service Managers and Portfolio Holder engaged during the review process.

Links to Council Ambition: Customers, Economy and Environment.

The review supports the Corporate Ambition of 'Customers' and the Priority of 'Providing excellent services', and indirectly supports the Corporate Target CUS.08 - Maintain high levels of tenant satisfaction with council housing and associated services.

DOCUMENT INFORMATION

Appendix No	Title
5.1	Review of the Council-owned Adapted Accommodation FINAL

Background Papers

<i>(These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Executive you must provide copies of the background papers).</i>
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Please contact Scrutiny & Elections Officer where further information is required.
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**Review of Council-owned Adapted
Accommodation
August 2021 – March 2022
CUSTOMER SERVICES SCRUTINY COMMITTEE**

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Chair's Foreword

As Chair of Customer Service Scrutiny, I present this report as a summary of our research and recommendations for improvement.

This review was taken forward as a result of a report to Executive in April 2021 which highlighted a potential gap in provision and a need to evaluate our family-sized adapted stock. Committee Members felt that while requests for such accommodation was not as frequent, it was vital that the Council had the right policies and procedures in place to support this. We hope the additional analysis of our demographic profile will aid in planning of future stock.

I would like to take this opportunity to thank the Assistant Director of Housing Management & Enforcement and their team for the commitment shown during this review; to the Scrutiny Committee for their excellent contribution; and our Scrutiny Officer and Governance Officers who have worked well during the difficult times everyone has encountered.

Cllr Rose Bowler

Chair of the Customer Services Scrutiny Committee

1. Introduction

During the 2020-21 municipal year, a report was submitted to Executive providing information on the supply, management and allocation of Council-owned adapted accommodation. It was noted that the Council had recently been approached by applicants seeking very specific accommodation as a result of having younger family members with disabilities. Although these applications are relatively rare, they had raised the issue of the supply of family-sized adapted accommodation.

Under the Equality Act 2010 the Council has a duty to make reasonable adjustments for people with disabilities to ensure they receive the same services, as far as this is possible, as someone who is not disabled. A disability under this Act is defined as a physical or mental impairment that has a 'substantial' and 'long-term' negative effect on the ability to do normal daily activities. 'Substantial' and 'Long-term' mean:

- 'substantial' is more than minor or trivial, i.e. it takes much longer than it usually would to complete a daily task like getting dressed
- 'long-term' means 12 months or more, i.e. a breathing condition that develops as a result of a lung infection.

In terms of defining what is a disabled adapted property the Council have sought guidance from the Council's legal department and following the Housing Act 1985 and the Right to Buy (RTB) legislation, a disabled adapted property is exempt the right to buy.

MHCLG guidance on Right to Buys dated April 2021 states:

"'Housing for the disabled' means a property that is one of a group and has features that are substantially different from those of ordinary dwellings and with special facilities that are provided nearby."

The relevant section is part 7 of Schedule 5 to the HA 1985 which states:

"The right to buy does not arise if the dwelling-house has features which are substantially different from those of ordinary dwelling-houses and are designed to make it suitable for occupation by physically disabled persons, and— (a) it is one of a group of dwelling-houses which it is the practice of the landlord to let for occupation by physically disabled persons, and (b) a social service or special facilities are provided in close proximity to the group of dwelling-houses wholly or partly for the purpose of assisting those persons."

Despite the legislation, a tenant may still try to proceed with the right to buy process and it is the Council's responsibility to ensure that we have the correct policies and procedures in place, if legally challenged, to protect stock which should legitimately be considered exempt from right to buy.

Current Housing Stock

The Council has the following core supply of accommodation with specific adaptations for disabled people:

- 35 2-bedroomed bungalows
- 18 3-bedroomed bungalows (including 4 new builds)
- 6 2-bedroomed flats

All these adapted properties are exempt from the Right to Buy provisions so therefore can be allocated to people under the age of 60 years if required and all cases are approved by the HARP panel (Housing Application Review Panel), where specific cases can be considered and fair and transparent decisions made.

As result of the Voids Review undertaken in 2019, the Council now install wet rooms to vacant bungalows, if the bathroom requires replacement. This is to enhance the suitability of accommodation for those who may need adapted properties in the future.

It was noted that the Council are continually looking to increase the supply of family-sized adapted accommodation and are in a privileged position to be able to shape and design such units through our Bolsover Homes development schemes.

In addition, as a result of successful negotiations with developers, the Council has purchased properties as part of affordable housing provision through s.106 Agreements. Where specific demand is identified by Derbyshire County Council (DCC) Occupational Therapists, the Council endeavour to shape accommodation to meet the needs of families with severely disabled children.

The Council continue to explore any new approaches from developers as identified by the Head of Economic Development, Regeneration and Housing Delivery who leads on strategic housing. This will be informed by utilising presenting demand for that locality at the time. In these instances, the service prefer to use the standard Lifetime Homes plans if possible.

The Council's three-bedroomed family sized bungalows are built to Lifetime Homes Standard: 119sqm, have the benefit of three double bedrooms, level access throughout, wet rooms, additional family WC, large dining kitchen (can be adapted for the specific need of the family), spacious entrance area with storage for wheelchair, driveways and family-sized level patio and garden areas. In addition to these standard features, specific adaptations can be provided on advice from the Occupational Therapists i.e. hoists, wash-dry WC's, etc.

When looking at where the Council need to enhance supply of adapted properties, especially larger dwellings, officers consider the demand for these type of properties and the locations of need. This information is captured in a number of ways. In most instances, families are identified by the Occupational Therapist at either Derbyshire County Council or Hospitals and they liaise with the Councils Housing Needs team on behalf of the family.

Allocation and Management of stock

Families can apply directly to the Council by completing a Housing Application Form and be registered on the waiting list. The Housing Needs Team provide support with this if required and collate all the relevant supportive information from the Occupational

Therapists. They are therefore aware of all such specialist need at any one time. Such specialist need is reflected in the Allocations Policy and most cases are directly approved by Housing Allocations Review Panel (HARP).

Most families are, understandably, specific as to where they wish to be rehoused, preferring to stay in their local area, with existing support networks, schools, etc. However, occasionally, there may be no suitable accommodation available. In these instances, the Housing Needs Team discuss options with the family and the Occupational Therapist. The management of people's expectations is important and the Council try to ensure all agencies agree the options and support the family accordingly.

In terms of adaptations to existing Council Housing Stock, specific needs are discussed at a Joint Adaptation Panel meeting between DCC Disability team and Bolsover District Council held every 5 – 6 weeks (under normal circumstances) which is attended by the Housing Enforcement Manager and the relevant DCC Service Manager. All new standard adaptation referrals are discussed and in most cases accepted e.g. wet rooms, ramps, etc. Where major works are requested in houses, further discussions will follow with the family. In many instances a joint feasibility visit, between the Planned Repairs Inspector and the Occupational Therapist is arranged to ascertain if works can be undertaken to our properties. In some cases alternative adapted accommodation is the best option, these are identified and options jointly discussed.

Major adaptations to houses are usually only undertaken when there is no option and the Occupational Therapists confirm that the works will meet the long term needs of the client. Both Bolsover District Council (BDC) and DCC are keen to ensure resources are effectively spent. These cases are jointly agreed where the resulting adaptations meet the needs of the family.

2. Recommendations

PERFORM Code	Recommendation	Desired Outcome	Target Date	Lead Officer	Resources	Service Response
CSSC21-22 1.1	That Executive approve and adopt the Adaptations Policy (Council Owned Properties) 2022-2025 as presented.	A revised policy compliant with current legislation which more clearly defines our policy in relation to Adaptations.	May 2022	Assistant Director of Housing Management & Enforcement	Officer time	Draft policy has been presented to the Scrutiny committee and will be put to executive in May 2022.
CSSC21-22 1.2	That a Welfare Adaptations Procedure is produced to support the revised Policy and clearly define our processes.	A refreshed procedure enabling effective implementation of the revised Policy.	June 2022	Assistant Director of Housing Management & Enforcement	Officer time	During the course of the Review we had devised a draft procedure which can be finalised after the Policy is approved.
CSSC21-22 1.3	That subsequent to the main Policy, a Mobility Scooter Policy be produced to supplement the Adaptations Policy (Council Owned Properties) 2022-2025, to further define our policy,	A clearly defined Policy outlining the Council's duties and policy with regard to use and storage of Mobility Scooters' by	September 2022	Assistant Director of Housing Management & Enforcement	Officer time	The revised Tenancy Agreement is currently out for consultation and has a requirement that Mobility scooters are not stored in communal areas. This policy will supplement this approach.

PERFORM Code	Recommendation	Desired Outcome	Target Date	Lead Officer	Resources	Service Response
	procedures and duties as an authority.	Council tenants.				
CSSC21-22 1.4	That the postcode data for current and future stock is mapped via the GIS system allowing comparison of vacant/occupied stock.	A refreshed approach to storing adapted stock data	June 2022	Assistant Director of Housing Management & Enforcement Scrutiny & Elections Officer	Officer time Support will be needed from the Scrutiny and Elections officer to progress this recommendation	This will be a useful exercise, to have a pictorial representation of where disabled adapted and substantially adapted housing stock is within the district.
CSSC21-22 1.5	That a special category be created within the Housing software system, Open Housing, to create more efficient management and allocation processes and ensure adapted stock is easily identifiable.	A refreshed approach to storing adapted stock data, creating greater efficiencies for officers managing stock.	July 2022	Assistant Director of Housing Management & Enforcement	Officer time	A number of system checks still need to take place to ascertain if this is possible. Assuming the system can accommodate this, staff will implement the recommendation.
CSSC21-22 1.6	That a revised Stock Categorisation Procedure is drafted to ensure effective	A clearly defined procedure for stock categorisation is in place to	June 2022	Assistant Director of Housing Management & Enforcement	Officer time	By assessing when significant adaptations to a property mean this is considered a disabled adapted property we can official

PERFORM Code	Recommendation	Desired Outcome	Target Date	Lead Officer	Resources	Service Response
	implementation of the new Adaptations (Council Owned Properties) Policy and ensure current stock are correctly categorised.	enable effective management and allocation of stock.				change the stock categorisation with Housing Stock Management Approval.
CSSC21-22 1.7	That urgent action be taken to assess categorisation of the additional properties identified as potentially qualifying for the fully adapted criteria.	Effective management and allocation of stock	June 2022	Assistant Director of Housing Management & Enforcement	Officer time	To ensure we have up to date and accurate records we need to review the list of significantly adapted properties to see if we can officially change the stock categorisation with Housing Stock Management Approval.
CSSC21-22 1.8	That Housing services use the ward analysis to assist in pinpointing potential areas for future development.	A greater understanding of the District demographic profile when considering development of future stock.	Ongoing	Assistant Director of Housing Management & Enforcement	Officer time	This will help to build a clear picture of where there are gaps in provision of disabled units across the district and can be used in future Bolsover Homes schemes.

PERFORM Code	Recommendation	Desired Outcome	Target Date	Lead Officer	Resources	Service Response
CSSC21-22 1.9	That this demographic analysis is refreshed once the Census 2021 data is released.	A greater understanding of the District demographic profile when considering development of future stock	Dependent on release of Census data - TBC	Assistant Director of Housing Management & Enforcement	Officer time Support will be needed from the Scrutiny and Elections officer to progress this recommendation	Updated information will be useful.

3. Scope of the review

The Customer Services Scrutiny Committee agreed to undertake a Review of Council-owned Adapted Accommodation, as part of the 2021-22 Work Programme.

The issue was initially raised via an Executive report in April 2021, highlighting the need to evaluate our supply of family-sized adapted accommodation.

The review supports the Corporate Ambition of 'Customers' and the Priority of 'Providing excellent services', and indirectly supports the Corporate Target CUS.08 - Maintain high levels of tenant satisfaction with council housing and associated services

The aim of the review was:

- To ensure that the Council has adequate plans and processes in place to maintain the required level of adapted accommodation for both individuals and families.

The objectives agreed were:

- Review of current policies and procedures
- Completion of an analysis of existing adapted stock inc. family-sized stock
- Assessment of demand against demographic profile of area.
- Assessment of current principles defining categorisation of stock as a 'disabled adapted property'

The key issues identified for investigation were as follows:

- Ensuring new supply through design and location of new stock – Bolsover Homes
- Location of existing stock across District
- Use of Housing management Officer information when assessing applications
- Existing approach for property categorisation
- Process for assessing demand/future demand
- Current cross-team working

The Committee comprised the following Members:

Councillor R. Bowler (Chair)
Councillor R. Heffer
Councillor A. Joesbury
Councillor D. Dixon

Councillor R. Turner (Vice-Chair)
Councillor S. Fox
Councillor A. Bailey

Support to the Committee was provided by the Scrutiny & Elections Officer.

4. Method of Review

The Committee approving the review met on six occasions to consider the scope of the review, key issues they wanted to discuss and to carry out interviews and evidence gathering.

The Committee sought evidence by way of:

- Internal enquiries to establish existing policy and procedures and comparison of our policy approach with other local authorities.
- An assessment of our current supply of adapted accommodation.
- An analysis of the Districts profile in terms of health and disability and where hotspots for long-term ill health correlated to our stock profile.
- An evaluation of our procedure for categorising stock as disabled adapted.

A core area of discussion was around our policy, procedures and day-to-day delivery. Our Policy was due a revision and Members took a key part in the refresh of the policy as discussed in section 5.1. Members also looked in detail at our current stock, our planning of future stock, and assessed whether there were gaps in provision based on analysis of our demographic profile.

A document review was completed of the following as part of the evidence gathering process:

- Draft versions of the revised BDC Adaptations Policy
- The current Welfare Adaptations Procedure
- Example Adaptations Policies from other Local Authorities
- Current list of Adapted properties

Equality and Diversity

Within the process of the review, the Committee has taken into account the impact of equalities. In particular when consulting on the draft revised policy there was extensive discussion around ensuring that the policy was compliant. The proposed revised policy will help to fulfil the corporate priorities by:

- Promoting equality and diversity and supporting vulnerable and disadvantaged people
- Providing good quality council housing where people choose to live
- Improving health and well-being

Equality Act 2010 Disability Definition

Under the Equality Act 2010 the Council has a duty to make reasonable adjustments for people with disabilities to ensure they receive the same services, as far as this is possible, as someone who is not disabled.

A disability under this Act is defined as a physical or mental impairment that has a 'substantial' and 'long-term' negative effect on the ability to do normal daily activities.

‘Substantial’ and ‘Long-term’ mean:

- ‘substantial’ is more than minor or trivial, i.e. it takes much longer than it usually would to complete a daily task like getting dressed
- ‘long-term’ means 12 months or more, i.e. a breathing condition that develops as a result of a lung infection.

5. Analysis of evidence and key findings

5.1 Review of current policies and procedures

As part of initial discussions with service managers and officers in August 2021, it became apparent that improvements could be made to our existing policies and procedures to clearly define our approach to adaptations.

During the course of the review, Members have met with officers on a number of occasions. At three of these meetings we have discussed our existing approach and policy, looked at sample Adaptation Policies and completed detailed discussions on drafts of the Policy.

Current Adaptations Procedure

Officers reported that there is a very good working relationship between BDC and DCC Adult and Children's Disabilities Team. In most cases the Occupational Therapists are realistic in their expectations. The regular Panel Meetings provide the opportunity for both teams to discuss cases and agree solutions. In addition many joint site visits are undertaken.

One of the Scrutiny Committee Members attended one of the internal meetings as part of the review so that Members had first-hand experience of the procedures followed. This included looking at case studies using the current Welfare Adaptation Strategy.

The Member commented that the meeting was quite informative going through all the cases with the Housing Need Officers (which are patch based), it gave an inside knowledge of cases that came forward and they were impressed with the fair decisions that were made.

Officers noted that it would add further efficiencies to service delivery if the existing Adaptations Procedure was reviewed and updated as part of development of the revised Policy. Members were presented with a brief summary of the existing procedure at one of the evidence gathering meetings and it was agreed that a revised Welfare Adaptations Procedure should be produced to reflect the new Policy and operational practices.

Recommendation:

That a Welfare Adaptations Procedure is produced to support the revised Policy and clearly define our processes.

Consultation on revised Policy

On the whole Members were satisfied with the initial drafts presented but raised specific queries in relation to the following parts of the draft policy:

- Section 4.3: Who can Apply? – Members welcomed that this section and queried in detail what the process was where there is a disabled child in the property requiring the adaptation and who is responsible for the child. It was noted that if parents have separated, the child may live in both properties but unfortunately the Council do not have funds to do work to both properties but there was a way in which to determine which parent had the most responsibility and therefore would determine the property the child resided most. This may have been set out by the court as to establish which property the child resides for a longer period of time or who gets the child benefit or child tax credits that would be the person who the Council would determine to be the parent and to have the adaptations. Officers added that each case is based on its own merit but if there were significant adaptation needs and work needed to be done in both properties, the Council were not saying they would not do the work but for the vast majority of cases, these were the rules they would apply to determine that decision.
- Section 4.10: Tenants with arrears (impact on request for adaptation) – Members made specific reference in relation to the process where an applicant was in arrears at the time of application and requested clearer guidance on our policy, resulting in the addition of this section.
- Section 4.11: Policy with regard to mobility scooters (storage and access to/from property) – Following detailed discussion, Members negotiated the re-wording of this section to make reference to each case being considered on its own merits, while having regard to Occupational Therapy recommendations and planning regulations. Members are satisfied that this sits outside of this policy and will be covered by a separate policy/procedure which is under development.

Members welcomed the outline of the Welfare Adaptation Procedure at 4.5 and as previously noted, agree that production of a revised procedure outlining each stage was vital to support the new Policy.

Members are satisfied with the monitoring arrangements proposed in relation to the implementation of this policy as outlined at section 4.16.

With the amendments agreed to the policy following consultation with scrutiny as part of the review, the Committee is confident to support the approval and adoption of the policy.

Recommendations:

That Executive approve and adopt the Adaptations Policy (Council Owned Properties) 2022-2025 as presented.

That subsequent to the main Policy, a Mobility Scooter Policy be produced to supplement the Adaptations Policy (Council Owned Properties) 2022-2025, to further define our policy, procedures and duties as an authority.

5.2 Completion of an analysis of existing adapted stock inc. family-sized stock

Current Stock

Scrutiny Members were presented with a written list of current adapted stock in August 2021. At the time the Council had 59 fully disabled adapted properties, designed for tenants with disabilities. This included:

- 6 x 2-bed flats,
- 35 x 2-bed bungalows,
- 18 x 3-bed bungalows (including 4 new-builds)

In addition, it was noted that the Council have a number of additional properties with significant adaptations which make them suitable for people with disabilities. This list was amended during the course of the review due to some houses being moved back to general stock and some disposed of via RTB. In total, as of March 2022 there are 4 x 2-bed bungalows, 1 x 2-bed flat, 5 x 3-bed bungalows, 7 x 3-bed houses and 2 x 4-bed houses.

The table below shows current stock by ward, but it should be noted that this is very much dependent on where existing Council estates are located and the ability for the Council to build on surplus BDC land or purchase from developers. Wherever possible the Council seeks to keep tenants within their existing property if assessments show it can be adapted accordingly. It is only where the property is deemed unsuitable that alternative accommodation is sought, and where possible in the existing locality.

BDC Ward	2-bed Flat	2-bed Bungalow	3-bed Bungalow	3-bed House	4-bed House	Total stock
Ault Hucknall		5		1		6
Barlborough						0
Blackwell		2	1	1		4
Bolsover East	5	2	1	1		9
Bolsover North & Shuttlewood	2					2
Bolsover South						0
Clowne East		3	6			9
Clowne West				1		1
Elmton-with-Creswell			2		1	3
Langwith		4		1		5
Pinxton		6				6
Shirebrook North		7	2	2		11

BDC Ward	2-bed Flat	2-bed Bungalow	3-bed Bungalow	3-bed House	4-bed House	Total stock
Shirebrook South						0
South Normanton East		4	3			7
South Normanton West						0
Tibshelf		4				4
Whitwell		2	4		1	7
TOTAL	7	39	19	7	2	74

As noted in section 1, as a result of successful negotiations with Keepmoat, the Council has purchased properties as part of affordable housing provision through s.106 Agreements, including one three-bedroomed adapted bungalow for a family whose needs had been identified. Specific demand had previously been identified by Derbyshire County Council Occupational Therapists and the Council were able to shape accommodation to meet the needs of three families with severely disabled children. The Council have also secured two, 2-bed bungalows, which are built to 'lifetime homes standard', so are suitable for people with disabilities.

Future Stock

It was noted that the service is continually looking to increase the supply of family-sized adapted accommodation and are in a privileged position to be able to shape and design such units through our Bolsover Homes development schemes (previously B@Home). As a result of our regular work with the Occupational Therapists demand for some units has been identified and as a result officers are proposing to build more family-sized adapted units as part of the ongoing developments. Whilst still subject to planning the Council are proposing to have a fully adapted 3-bed bungalow in Shirebrook, a 3-bed bungalow in Clowne, and a 3-bed Bungalow in Langwith.

The Council's three-bedroomed family-sized bungalows are built to Lifetime Homes Standard:- 119sqm, have the benefit of three double bedrooms, level access throughout, wet rooms, additional family WC, large dining kitchen (can be adapted for the specific need of the family), spacious entrance area with storage for wheelchair, driveways and family-sized level patio and garden areas. In addition, to these standard features, specific adaptations can be provided on advice from the Occupational Therapists i.e. hoists, wash-dry WC's, etc.

In terms of future developments, Property Services would look at wider-cluster areas to secure 3-bed bungalow provision. Additional provision is however, subject to viability of the site and topography of the site.

Areas for Improvement/Conclusions

Members felt that having a clear agreement that further stock can be secured via new Bolsover Homes sites is vital, where we have the opportunity. Members understand

that this will only be an option on larger sites where it is viable to incorporate a property of this size.

A key issue identified in relation to stock was that the data is not currently mapped in any way, allowing easy sight of vacant and occupied stock and the types of property available. This limits the usability of the data and is reliant on maintenance of a simple spreadsheet. Officers note that there should be further scope with the new Housing management software and this is being explored.

Recommendations:

That the postcode data for current and future stock is mapped via the GIS system allowing comparison of vacant/occupied stock.

That a special category be created within the Housing software system, Open Housing, to create more efficient management and allocation processes and ensure adapted stock is easily identifiable.

5.3 Assessment of demand against demographic profile of area.

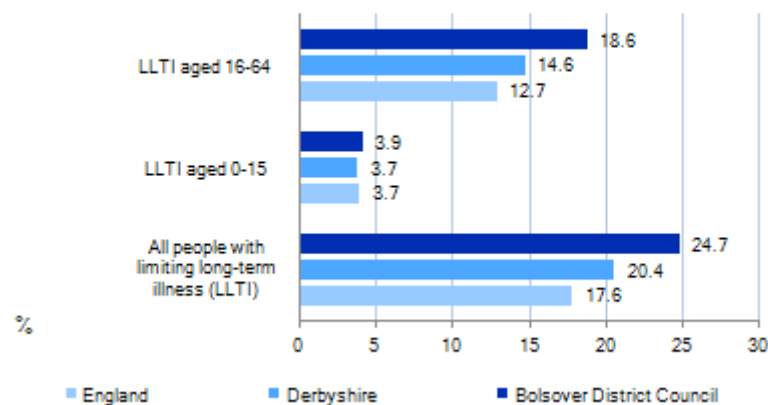
As mentioned previously, the demand that is generated for disabled adapted properties comes directly from DCC social care and is generally as a result of individuals needing an adaption to help them live more comfortably in their own home. A lot of the time the Council are able to deal with this relatively quickly and easily. The disabled adapted or substantially adapted properties tend to be required when there is a disability that affects mobility and there is a need for the property to be wheelchair friendly or have a stair lift/through floor lift to allow access to all rooms.

As part of understanding the potential locations of demand against the wider demographic profile of the District, data was gathered from Local Insight, an analysis tool used by the authority. It is important to note however, that the District profile looks at the whole population and not just our tenant population and there could be a number of residents with disabilities that are not Council tenants.

When reviewing the District Profile produced in November 2021, 25% of people in the District have a limiting long-term illness compared with 18% across England¹. In addition, we have a higher rate amongst the 0-15 age group, suggesting we may see a higher demand for family-sized stock than average.

¹ OCSI, (18 November 2021), Local Insight profile for 'Bolsover District Council' area, LI – Bolsover, p2

Figure: People with a limiting long-term illness
Source: Census 2011



When looking at general health and limiting long-term illness the following figures are taken from the Census 2011:

Number of people living in health-deprivation 'hotspots' (Indices of Deprivation 2015)	People with a limiting long-term illness (Census 2011)	People aged 16-64 with a limiting long-term illness (Census 2011)
33,511	18,707	9,023
41.6% (England average = 19.6%)	24.7% (England = 17.6%)	18.6% (England = 12.7%)

Health Deprivation and Disability

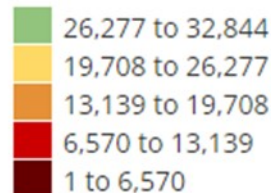
When considering the District as a whole against the rest of England, the following map shows the hotspot areas in relation to the Indices of Deprivation 2019 Health and Disability Domain. The measure ranks the whole of England broken down in to 32,844 Lower Super Output Areas (LSOAs). A LSOA is typically around 1500 people or 650 households. The map shows all LSOAs within the District and how they rank against the five national quintiles:

The additional table to the right, shows how the 17 wards of Bolsover compare against each other, ranked highest to lowest, with the highest rankings indicating greater deprivation.

IoD 2019 Health Deprivation and Disability Rank

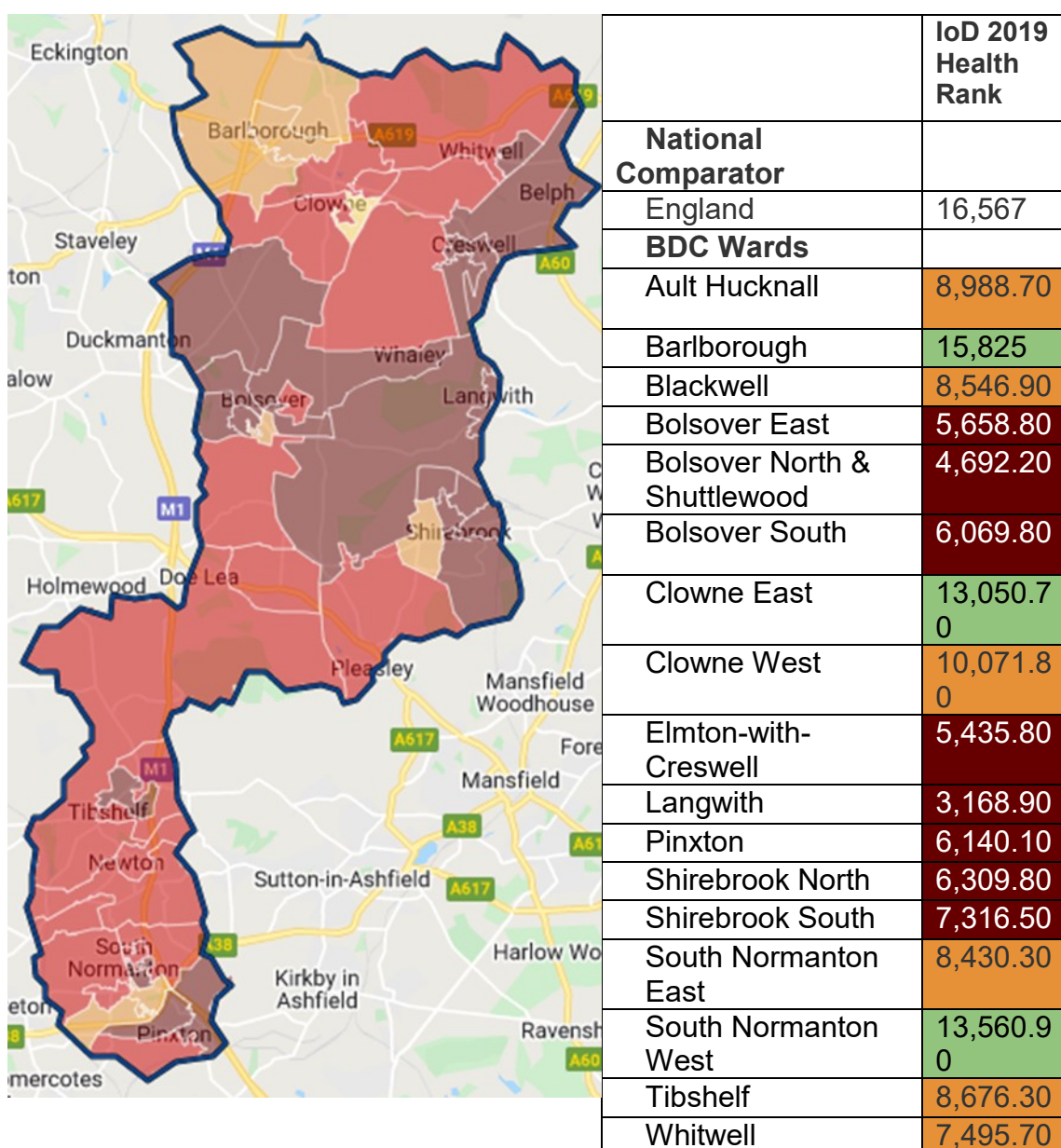
The colours on the map show IoD 2019 Health Deprivation and Disability Average LSOA Rank (lower = more deprived)

Showing all areas at LSOA level



About the indicator

Data for your areas



This pinpoints the following areas:

- Langwith
- Bolsover North & Shuttlewood
- Elmton-with-Creswell
- Bolsover East
- Bolsover South
- Pinxton
- Shirebrook North
- Shirebrook South

When using this alongside the three subsequent Dashboards, this is perhaps less accurate in showing wards where the Council can expect greater service demand (in rank order), as there are areas not ranked so highly in the following Dashboards and

some of these are not covered by our existing stock portfolio. It is nevertheless useful in showing that as a District all wards experience greater deprivation in relation to health deprivation and disability than the England average.

Prevalence of Disability

When looking at the area profile in relation to prevalence of disability within the District, three core measures are used: those claiming Attendance Allowance, Personal Independence Payments and Disability Living Allowance. Again as noted before, this data relates to the whole District and not just our tenant population. In a number of instances, benefit claimants may also not have a significant disability requiring an adapted property, but still qualify for the benefit.

Attendance Allowance is payable to people over the age of 65 who are so severely disabled, physically or mentally, that they need a great deal of help with personal care or supervision.

Until April 2013, Disability Living Allowance was payable to children and adults in or out of work who are below the age of 65 and who were disabled, and required help with personal care or had walking difficulties. It is a non-means-tested benefit, which means it is not affected by income. From April 2013 Personal Independence Payments (PIP) have been introduced to replace Disability Living Allowance for all new claimants. PIP helps with some of the extra costs caused by long-term disability, ill-health or terminal ill-health.

The figures below (taken from the Local Insight profile) give a broad picture of the number of people resident in Bolsover experiencing long-term disability or ill-health which could potentially lead to needing adaptations in the home.

Attendance Allowance claimants (Feb-21)	Personal Independence Payment (PIP) (Jul-21)	PIP Males (Jul-21)	PIP Females (Jul-21)
2,151	5,425	2,565	2,861
13.1% of people (England= 11.3%)	10.7% of people (England= 6.5%)	10.2% of males (England= 6.0%)	11.3% of females (England= 7.0%)
PIP with mental health conditions (Jul-21)	PIP with respiratory disease (Jul-21)	Households on Universal Credit - Limited Capability for Work Entitlement (May-21)	Disability Living Allowance claimants (Feb-21)
1,617	233	951	2,624
3.2% of people (England= 2.3%)	0.5% of people (England= 0.3%)	2.8% of households (England= 2.3%)	3.2% of people (England= 2.0%)
Source: Department for Work and Pensions			

The following Dashboards compare all 17 wards of Bolsover District across a range of health and disability measures. The colours on the dashboard provide you with a quick and easy representation of which of our areas have the highest / lowest values when compared against each other. The areas are shaded in three colours which represent high, medium or low values. The methodology used

High	
Medium	
Low	

to distribute the areas into the colour bands takes the highest and lowest value across all of the wards and then creates three bands which equally span that range. The data sets included in each Dashboard are explained in more detail in Appendix 2.

Dashboard 1: Disability Benefits Profile

This data relates to the whole District and not just our tenant population. In a number of instances, benefit claimants may also not have a significant disability requiring an adapted property, but still qualify for the benefit.

The dashboard below shows that the wards with the highest benefit claim rate are:

- Shirebrook North
- Langwith
- Bolsover East
- Bolsover North & Shuttlewood
- Elmlton-with-Creswell
- Bolsover South
- Pinxton

These areas correspond with the analysis of existing stock in section 5.2, with the exception of Bolsover South where there may be a need to allocate within the wider Bolsover town area. This shows are existing stock is located in areas where there is the potential for greater demand of an adapted property.

As noted above the core benefit is now Personal Independence Payment, but the dashboard shows that in the wards with highest rates listed above there are a number of residents still on the legacy benefit of Disability Living Allowance, giving a greater overall prevalence of disability benefit claims. The number of wards with higher claim rates of Attendance Allowance than the national level, supports the approach of completing additional works to our properties with the installation of wet rooms, where possible, as this will ensure our stock continues to meet the needs of our aging population.

	Attendance Allowance	Personal Independence Payment	DLA	Disability benefits	Economically Inactive: Sick
National Comparator					
England	11.4	6.8	2	6	4
BDC Wards					
Ault Hucknall	15.5	10	3	8.6	5.4
Barlborough	10.1	6.9	2.7	7.3	3.5
Blackwell	13.2	9.8	2.8	8.9	4.4
Bolsover East	15.2	15.1	4	12.4	7.2
Bolsover North & Shuttlewood	13.9	13.5	3.2	11	7
Bolsover South	11.7	12.7	3.5	10.9	7.9

	Attendance Allowance	Personal Independence Payment	DLA	Disability benefits	Economically Inactive: Sick
Clowne East	12.9	10.1	3.2	9.4	5.6
Clowne West	12.3	9.4	2.8	8	5
Elmton-with-Creswell	13.8	12.8	4	11.5	8
Langwith	15.5	15.2	4.3	13.6	10.3
Pinxton	18.2	11.5	3	9.9	5.6
Shirebrook North	15.3	15.6	5.3	15.1	10.3
Shirebrook South	15	9.6	2.9	9.3	7.7
South Normanton East	13.6	9.8	2.9	8.8	4.7
South Normanton West	14.4	7.7	2.4	7.6	4.5
Tibshelf	13.6	8.8	2.8	8.6	5.2
Whitwell	10.4	12.1	3.4	11.1	8.2

Dashboard 2: Children and Families

In particular when considering the volume of family-sized stock the Council requires it is important to note the areas where households are entitled to financial support for a disabled child. These households may be more likely to require a larger adapted property, but the claim could be for something such as severe autism which wouldn't naturally require adaptations. Areas with under16s in receipt of benefit include:

- Elmton-with-Creswell
- South Normanton East
- Langwith
- Blackwell
- Shirebrook North
- Bolsover South
- Bolsover North & Shuttlewood
- Shirebrook South

Areas including those aged 16-18, and 18-24 claiming PIP, possibly still at home, include:

- Elmton-with-Creswell
- Ault Hucknall
- Blackwell
- Bolsover East
- Shirebrook North
- Bolsover South
- Bolsover North & Shuttlewood
- Langwith
- Shirebrook South

What is also of note is the range of wards where children are providing unpaid care. This again indicates a situation where a larger property is required but for a disabled adult resident rather than a child. The following areas mirror the wider analysis:

- Langwith
- Blackwell
- Elmton-with-Creswell
- Shirebrook North
- Bolsover East
- Clowne West

Slight anomalies are Bolsover South and Shirebrook South where we have no adapted stock currently.

Core areas where Bolsover has Households with illness, with children includes:

- Langwith
- Bolsover North & Shuttlewood
- Shirebrook North
- Shirebrook South
- Whitwell
- Elmton-with-Creswell

However, the number of Households with illness, without children is clearly significantly higher, indicating that a larger quantity of 2-bed stock is still essential. This mirrors our current stock profile.

	DLA aged Under 16	Unpaid care (children)	PIP 16- 24	Hholds with illness, with children	Hholds with illness, no children
National Comparator					
England	4.6	1.1	3.9	4.6	21
BDC Wards					
Ault Hucknall	2.4	0.5	10.4	4.2	25.7
Barlborough	0.7	0.6	5.5	4.6	19.9
Blackwell	3.9	1.7	9.4	5.3	27.1
Bolsover East	1.7	1.5	8.7	5.6	29.9
Bolsover North & Shuttlewood	3.3	0	8.3	6.6	24.3
Bolsover South	3.5	1.3	8.4	5.3	29.2
Clowne East	1.2	0.9	7.3	4.3	26.4
Clowne West	1.9	1.5	5.8	4.1	25.1
Elmton-with-Creswell	6.3	1.6	10.4	5.8	25.8
Langwith	4.1	1.8	8.2	8.9	25.9
Pinxton	1.5	0.9	5	5.4	25.5
Shirebrook North	3.8	1.5	8.6	6.5	34.6
Shirebrook South	3.2	1.3	7.9	6.5	25.8
South Normanton	5.3	0.9	6.1	4.6	22.5

	DLA aged Under 16	Unpaid care (children)	PIP 16-24	Hholds with illness, with children	Hholds with illness, no children
East					
South Normanton West	2.9	1	5.4	4.8	21.2
Tibshelf	2.4	1.1	6.8	4.9	24.2
Whitwell	0.8	0.2	5.7	6	29.6

Dashboard 3: Limiting long-term illness (Census 2011)

While this is a useful set of data, it will be vital to replicate this table once the revised data is released from the Census 2021 to compare if priority areas are still the same.

Currently the highest ranking wards across the four age ranges, where the Housing service should consider future stock levels are:

- Shirebrook North
- Langwith
- Bolsover East
- Elmton-with-Creswell

In terms of areas where there is greater need for those aged 0-15, all those showing as 'High', are likely to have a greater demand for family-sized adapted accommodation. This should be considered as the Council moves forward with additional Bolsover Homes developments.

	Long-term sick (0-15)	Long-term illness (16-24)	Long-term illness (16-64)	Long-term sick (65+)
National Comparator				
England	3.7	4.9	12.7	53.1
BDC Wards				
Ault Hucknall	4.5	5.6	17.6	60.4
Barlborough	3.3	6.6	13.2	58.3
Blackwell	4.6	4.4	16.7	66.2
Bolsover East	4.8	4.7	19.2	70.5
Bolsover North & Shuttlewood	3.5	6	19.2	60.6
Bolsover South	4.8	6.8	21.2	64.4
Clowne East	3.4	6.4	18	64.7
Clowne West	4.5	4.9	17.5	68.6
Elmton-with-Creswell	4.5	6.8	21.3	68.5
Langwith	4.6	6.6	23.5	74.8

	Long-term sick (0-15)	Long-term illness (16-24)	Long-term illness (16-64)	Long-term sick (65+)
Pinxton	4.3	5	17.4	65.7
Shirebrook North	4.5	8	25.5	76.2
Shirebrook South	3.1	5.6	20.6	69
South Normanton East	3.7	5.2	15.6	67.4
South Normanton West	3.7	6.7	15.1	61.4
Tibshelf	1.8	5.6	16.3	63.6
Whitwell	3.5	4.9	20	65.3

Recommendations:

That Housing services use the ward analysis to assist in pinpointing potential areas for future development.

That this demographic analysis is refreshed once the Census 2021 data is released.

5.4 Assessment of current principles defining categorisation of stock as a 'disabled adapted property'

Defining Disabled Adapted Stock

In terms of defining what is a disabled adapted property the Council have sought guidance from the Council's legal department and following the Housing Act 1985 and the Right to Buy legislation, a disabled adapted property is exempt the right to buy.

MHCLG guidance on Right to Buys dated April 2021 states:

"'Housing for the disabled' means a property that is one of a group and has features that are substantially different from those of ordinary dwellings and with special facilities that are provided nearby."

The relevant section is part 7 of Schedule 5 to the HA 1985 which states:

"The right to buy does not arise if the dwelling-house has features which are substantially different from those of ordinary dwelling-houses and are designed to make it suitable for occupation by physically disabled persons, and— (a) it is one of a group of dwelling-houses which it is the practice of the landlord to let for occupation by physically disabled persons, and (b) a social service or special facilities are provided in close proximity to the group of dwelling-houses wholly or partly for the purpose of assisting those persons."

Despite the legislation, a tenant may still try to proceed with the right to buy process and it is the Council's responsibility to ensure that we have the correct policies and procedures in place, if legally challenged, to protect stock which should legitimately be considered exempt from right to buy.

Our Categorisation Approach

Sometimes the work completed by the Council is so significant it could potentially mean the property should be considered as fully adapted and so the categorisation on our housing system would need to change.

It was noted by Members that as of August 2021, the Council had additional properties to those listed in Section 1 of this report – 14 houses with significant adaptations suitable for people with disabilities, 11 x 3-bed houses, and 3 x 4-bed houses. This had evolved by the end of the review to include 1 x 2-bed flat, 4 x 2-bed bungalows, 5x 3-bed bungalows, 7 x 3-bed houses and 4 x 2-bed houses.

Initial discussions as part of the review suggested that the Council needed to make sure there was a robust procedure in place for categorisation of stock so as to protect adapted properties, and also where required re-categorise a property back to 'general stock'.

Members noted that Officers had commenced a piece of work to agree a set of principles that reflect the Council's practice in terms of what 'significant adaptations' means. This was to include looking at what decision-making process should be followed if it means that the property is no longer considered general needs adapted stock.

As part of consultation of the Draft Policy, the following categorisation was agreed for Minor and Major adaptations:

Minor Adaptations	Major Adaptations
<p>Minor Adaptations have a value of up to £1000.00. They are simple, cost effective solutions to assist a person to live independently. They can be installed swiftly, promote wellbeing and reduce the risk of accidents, consequently averting additional costs associated with hospital admissions, or residential care and support. Minor adaptations, as an example, can include:</p> <ul style="list-style-type: none"> • grabrails • additional stair rails • installation of lever taps • small external handrails • half steps • small low-level ramps • over bath showers • minor kitchen alterations 	<p>Major Adaptations are valued over £1000.00 and are generally structural changes to a property, for example:</p> <ul style="list-style-type: none"> • replacing a bath with a level access shower or wet room • installing ramps • hard-standing/drive ways • property extensions • adapting a room specifically to make it safer for a disabled person • installing access facilities, such as a stair lift, through floor lift, door widening

Following discussions with officers a suggested threshold for categorisation as 'disabled adapted' within the revised procedure could be as follows:

'Where the Council undertake 3 or more of these more major adaptations or where there is one element with a value of over £15,000, this would be discussed at the internal officer welfare meeting for agreement that it now sits in the 'disabled adapted property' category. A recommendation would then go to the Housing Stock Management Meeting for member approval to change categorisation on the system. However, whilst this is a set of principles to work to, each case would need to be treated on its own merits.'

As outlined in the proposed new Policy at 4.14, adaptations are normally funded to the value of £30,000. If the works required exceed this amount, the case will be referred to the Housing Stock Management Group to determine if the adaptation is a viable option or alternative accommodation to suit the applicants need would be more practical. Where such extensive adaptations go ahead, the property would naturally go forward for consideration for the 'disabled adapted property' category.

Adaptations not covered by Bolsover DC

As noted at 4.14 in the proposed new Policy, Derbyshire County Council provides a range of aids and equipment to assist people with a disability to maintain their

independence. These are delivered directly to their home, therefore Bolsover District Council will not fund non-fixed equipment, for example:

- Powered bath-hoists
- Commode chairs
- Specialist toilet seats
- Specialist furniture
- Induction loops

Recommendations:

That a revised Stock Categorisation Procedure is drafted to ensure effective implementation of the new Adaptations Policy (Council Owned Properties) and ensure current stock are correctly categorised.

That urgent action be taken to assess categorisation of the additional properties identified as potentially qualifying for the fully adapted classification.

6. Conclusions

The Committee have put together nine recommendations which will hopefully assist the Council in improving our policy and procedures in relation to allocation and management of adapted accommodation.

The key findings arising from the review are:

- That a number of the Council's existing practices and procedures for allocation are satisfactory in addressing service delivery in this area.
- That the revised approach to officer meetings with DCC is working well to review applications and identify a clear course of action for the tenant.
- That the Council's approach to design of new stock via Bolsover Homes will ensure good quality housing and an increased supply of family-sized accommodation.
- That a revision is required to our existing policy which Members feel is met by the proposed draft which Scrutiny helped to develop.
- That the range of procedures identified during the course of the review are developed to support the effective implementation of the new Policy.
- That in order to aid officers to see stock availability at a glance, the data is mapped in both our GIS software and our data profiling tool, to aid future stock management and development.
- That the demographic profile will fill current knowledge gaps and aid future planning of additional stock.

Appendix 1: Stakeholders

Stakeholders engaged during the Review:

- Portfolio Holder – Cllr Peake (Housing)
- Assistant Director of Housing Management & Enforcement
- Assistant Director of Property Services & Housing Repairs
- Housing Enforcement Manager
- Planned Repairs Inspector
- Specialist Housing Administrator
- Solicitor to the Council and Assistant Director of Governance (up to Feb 2022)
- Executive Director of Resources

Stakeholders impacted by the Review:

- Bolsover DC tenants
- Portfolio Holder – Cllr Peake (Housing)
- Assistant Director of Housing Management & Enforcement
- Assistant Director of Property Services & Housing Repairs
- Housing Enforcement Manager
- Planned Repairs Inspector

Appendix 2: Local Insight metrics used to create local demographic profile

The following information clarifies the metrics contained within the demographic profile analysis, the source of the data and how it's calculated.

Dashboard 1: Disability Benefits Profile

Older people social care benefit (Attendance Allowance)

Shows the proportion of people aged 65+ who have social care needs and are receiving Attendance Allowance (AA). AA is payable to people over the age of 65 who are so severely disabled, physically or mentally, that they need a great deal of help with personal care or supervision.

Rate calculated as = (Attendance Allowance claimants)/(Population aged 65+)*100

Date: Aug-21

How often updated: Quarterly (published February 2022), with next update expected May-22

Source: Department for Work and Pensions (DWP)

(<https://www.gov.uk/government/organisations/department-for-work-pensions/about/statistics>)

Personal Independence Payment (PIP)

Shows the proportion of working age people receiving Personal Independence Payment (PIP). PIP helps with some of the extra costs caused by long-term disability, ill-health or terminal ill-health. From 8th April 2013 DWP started to replace Disability Living Allowance (DLA) for working age people with PIP. Note only claims in payment are included in the indicator. Rate calculated as = (Personal Independence Payment (PIP) claims in payment)/(Total population aged 16-64)*100.

Date: Jan-22

How often updated: Quarterly (published March 2022), with next update expected Jun-22

Source: Department for Work and Pensions (DWP)

(<https://www.gov.uk/government/organisations/department-for-work-pensions/about/statistics>)

Disability benefit (DLA)

Shows the proportion of people who are disabled and receiving Disability Living Allowance (DLA). DLA is payable to children and adults who become disabled before the age of 65, who need help with personal care or have walking difficulties because they are physically or mentally disabled. People can receive DLA whether they are in or out of work. It is non-means tested and is unaffected by income or savings of the claimant. DLA provides support for paying with additional care or mobility requirements associated with a disability. Please note, from April 2013 Personal Independence Payment (PIP) has replaced DLA for all new claimants aged 16-64,

while existing DLA claimants are being slowly moved on to PIP. Therefore, DLA no longer represents the total count of disability benefit claimants for those aged 16-64.

Rate calculated as = (Disability Living Allowance claimants)/(Total population)*100

Date: Aug-21

How often updated: Quarterly (published February 2022), with next update expected May-22

Source: Department for Work and Pensions (DWP)

(<https://www.gov.uk/government/organisations/departments-for-work-pensions/about/statistics>)

People receiving Disability Benefits

Shows the proportion of people receiving Disability Living Allowance or Personal Independence Payment (PIP). PIP helps with some of the extra costs caused by long-term disability, ill-health or terminal ill-health. From 8th April 2013 DWP started to replace Disability Living Allowance (DLA) for working age people with PIP. DLA is payable to children and adults who become disabled before the age of 65, who need help with personal care or have walking difficulties because they are physically or mentally disabled. People can receive DLA whether they are in or out of work. It is non-means tested and is unaffected by income or savings of the claimant. DLA provides support for paying with additional care or mobility requirements associated with a disability. Rate calculated as = (Personal Independence Payment (PIP) claims in payment + Disability Living Allowance (DLA) claims in payment)/(Total population)*100.

Date: 2021

How often updated: Annually

Source: Department for Work and Pensions (DWP)

(<https://www.gov.uk/government/organisations/departments-for-work-pensions/about/statistics>)

Economically inactive: Long-term sick or disabled

Shows the proportion of adults aged 16-74 who are economically inactive and have a long term sickness or disability. Economic activity relates to whether or not a person was working or looking for work in the week before Census. The concept of Economic Activity is compatible with the International Labour Organisation (ILO) definition of economic status. Figures are based on responses to the 2011 Census economic activity questions.

Rate calculated as = (Economically inactive: Long-term sick or disabled (census KS601))/(All usual residents aged 16 to 74)*100

Date: 2011

How often updated: 10 yearly (published July 2014)

Source: Census 2011 (<https://www.nomisweb.co.uk/census/2011/ks601ew>)

Dashboard 2: Children and Families

Disability Living Allowance claimants aged Under 16

Shows the proportion of people aged 0-15 who are disabled and receiving Disability Living Allowance (DLA). DLA is payable to children and adults who become disabled before the age of 65, who need help with personal care or have walking difficulties because they are physically or mentally disabled. People can receive DLA whether they are in or out of work. It is non-means tested and is unaffected by income or savings of the claimant. DLA provides support for paying with additional care or mobility requirements associated with a disability.

Rate calculated as = (Disability Living Allowance claimants aged Under 16)/(Population aged 0-15)*100

Date: Aug-21

How often updated: Quarterly (published February 2022), with next update expected May-22

Source: Department for Work and Pensions (DWP)

(<https://www.gov.uk/government/organisations/department-for-work-pensions/about/statistics>)

Children providing unpaid care

Children (aged 0-15) providing informal unpaid care. Figures are based on self-reported responses to the 2011 Census. A person is a provider of unpaid care if they give any help or support to family members, friends, neighbours or others because of long-term physical or mental health or disability, or problems related to old age.

Rate calculated as = (People aged 0-15 providing unpaid care)/(Population aged under 16 (Census 2011))*100

Date: 2011

How often updated: 10 yearly (published August 2013)

Source: Census 2011 (<https://www.nomisweb.co.uk/census/2011/lc3304ew>)

Personal Independence Payment claimants aged 16-24

Shows the proportion of people aged 16-24 who are disabled and receiving Personal Independence Payment (PIP). PIP is payable to adults who become disabled before the age of 65, who need help with personal care or have walking difficulties because they are physically or mentally disabled. People can receive DLA whether they are in or out of work. It is non-means tested and is unaffected by income or savings of the claimant. DLA provides support for paying with additional care or mobility requirements associated with a disability. Please note, from April 2013 Personal Independence Payment (PIP) has replaced DLA for all new claimants aged 16-64, while existing DLA claimants are being slowly moved on to PIP. Therefore, DLA no longer represents the total count of disability benefit claimants for those aged 16-64.

Rate calculated as = (Personal Independence Payment claimants aged 16-24)/(Population aged 16-24)*100

Date: Jan-22

How often updated: Quarterly (published March 2022), with next update expected Jun-22

Source: Department for Work and Pensions (DWP)
(<https://www.gov.uk/government/organisations/department-for-work-pensions/about/statistics>)

One person in household with a long-term health problem or disability: With dependent children

Shows the proportion of households with dependent children, where at least one person in the household has a long-term health problem or a disability. Figures are self-reported and taken from household composition and general health questions from the 2011 Census.

Rate calculated as = (One person in household with a long-term health problem or disability: With dependent children (census KS106))/(All households (census KS106))*100

Date: 2011

How often updated: 10 yearly (published July 2014)

Source: Census 2011 (<https://www.nomisweb.co.uk/census/2011/ks106ew>)

One person in household with a long-term health problem or disability: No dependent children

Shows the proportion of households with no dependent children, where at least one person in the household has a long-term health problem or a disability. Figures are self-reported and taken from household composition and general health questions from the 2011 Census.

Rate calculated as = (One person in household with a long-term health problem or disability: No dependent children (census KS106))/(All households (census KS106))*100

Date: 2011

How often updated: 10 yearly (published July 2014)

Source: Census 2011 (<https://www.nomisweb.co.uk/census/2011/ks106ew>)

Dashboard 3: Limiting long-term illness (Census 2011)

People with a limiting long-term illness (aged 0-15)

Shows the proportion of residents aged 0-15 with a limiting long-term illness. Figures are taken from responses to the 2011 Census, based on a self-assessment whether or not a person has a limiting long-term illness, health problem or disability which limits their daily activities or the work they can do, including problems that are due to old age.

Rate calculated as = (People with a limiting long-term illness aged 0-15)/(All people aged 0-15)*100

Date: 2011

How often updated: 10 yearly (published July 2014)

Source: Census 2011 (<https://www.nomisweb.co.uk/census/2011/lc3205ew>)

People with a limiting long-term illness (aged 16-24)

Shows the proportion of residents aged 16-24 with a limiting long-term illness.

Figures are taken from responses to the 2011 Census, based on a self-assessment whether or not a person has a limiting long-term illness, health problem or disability which limits their daily activities or the work they can do.

Rate calculated as = (People with a limiting long-term illness aged 16-24)/(Population aged 16 to 24 (Census 2011))*100

Date: 2011

How often updated: 10 yearly (published January 2013)

Source: Census 2011

(<https://www.nomisweb.co.uk/query/construct/summary.asp?mode=construct&version=0&dataset=829>)

People with a limiting long-term illness (aged 16-64)

Shows the proportion of residents aged 16-64 with a limiting long-term illness.

Figures are taken from responses to the 2011 Census, based on a self-assessment whether or not a person has a limiting long-term illness, health problem or disability which limits their daily activities or the work they can do, including problems that are due to old age.

Rate calculated as = (People with a limiting long-term illness aged 16-64)/(Population aged 16 to 64 (Census 2011))*100

Date: 2011

How often updated: 10 yearly (published January 2013)

Source: Census 2011 (<https://www.nomisweb.co.uk/census/2011/ks301uk>)

People with a limiting long-term illness (aged 65+)

Shows the proportion of residents aged 65+ with a limiting long-term illness. Figures are taken from responses to the 2011 Census, based on a self-assessment whether or not a person has a limiting long-term illness, health problem or disability which limits their daily activities or the work they can do, including problems that are due to old age.

Rate calculated as = (People with a limiting long-term illness aged 65+)/(People aged 65+)*100

Date: 2011

How often updated: 10 yearly (published August 2013)

Source: Census 2011 (<https://www.nomisweb.co.uk/census/2011/lc3305ew>)

Health Deprivation and Disability

IoD 2019 Health Deprivation and Disability Rank

The Indices of Deprivation (IoD) 2019 Health Deprivation and Disability Domain measures the risk of premature death and the impairment of quality of life through poor physical or mental health. The domain measures morbidity disability and premature mortality but not aspects of behaviour or environment that may be predictive of future health deprivation. The following indicators are included: Years of

potential life lost: An age and sex standardised measure of premature death;
Comparative illness and disability ratio: An age and sex standardised
morbidity/disability ratio; Acute morbidity: An age and sex standardised rate of
emergency admission to hospital; Mood and anxiety disorders: A composite based
on the rate of adults suffering from mood and anxiety disorders derived from gp
registrations, hospital episodes data, and suicide mortality data. Data shows
Average LSOA Rank, a lower rank indicates that an area is experiencing high levels
of deprivation

Date: 2019

How often updated: Irregular (September 2019)

Source: Ministry of Housing Communities and Local Government (MHCLG)

(<https://www.gov.uk/government/statistics/english-indices-of-deprivation-2019>)

Appendix 3: Bibliography

Ashfield DC, (September 2018), Aids and Adaptations Policy.
<https://www.ashfield.gov.uk/media/8d8240f83770ec5/appendix-a-aids-and-adaptions-policy-final.pdf>

Bolsover DC, (various dates), Draft BDC Adaptations Policy. (Final version submitted to Executive May 2022).

Dover District Council, Disabled Adaptations Policy.
<https://www.dover.gov.uk/Housing/Housing-for-Tenants/Planned-Maintenance-Programme/Aids-Adaptions-Policy.pdf>

LGInform, (30 November 2021), Economically inactive: Long-term sick or disabled – Bolsover, Local Government Association. (Copy available from Scrutiny Officer)

OCSI, (18 November 2021), Local Insight profile for 'Bolsover District Council' area, LI – Bolsover. (Copy available from Scrutiny Officer)

Rykneld Homes, The Adaptation Service: <https://www.rykneldhomes.org.uk/your-home/living-independently/adaptations/>



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językiem**

Slovak

**Rozprávame
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Bolsover District Council

Meeting of the Executive on 16th May 2022

Welfare Adaptations Policy

Report of Councillor Sandra Peake Portfolio Holder for Housing

Classification	This report is Public
Report By	Victoria Dawson, Assistant Director Housing Management and Enforcement, 01246 242231 victoria.dawson@bolsover.gov.uk
Contact Officer	Deborah Whallett, Housing Enforcement Manager, 01246 593057, Deborah.Whallett@bolsover.gov.uk

PURPOSE/SUMMARY OF REPORT

To consider approval of the Bolsover District Council Welfare Adaptations Policy.

REPORT DETAILS

1. Background

- 1.1 Bolsover District Council has approximately 5030 properties and is committed to providing suitable housing to meet the needs of its residents. Housing adaptations can play an important role in allowing people to live independently in comfort and safety in their own home.
- 1.2 The Welfare Adaptation Policy (“the Policy”) provides a framework for the provision of adaptations to the homes of tenants living in council accommodation. This could be in their current home or rehousing to suitable accommodation that may already be adapted and would meet their housing need.
- 1.3 For the purpose of this Policy, an adaptation refers to an alteration or addition to the property that makes it safer and easier to move around in and undertake everyday tasks.

2. Details of Proposal or Information

- 2.1 The Council has a well-established working practice and internal procedure it follows when considering and carrying out adaptations. It is considered best practice to have a policy which sets out formally what an adaption is, how these are considered and circumstances when these may be refused. A copy of the Policy is attached at **Appendix A**.

- 2.2 The Policy provides definitions of adaptations. Minor adaptations are simple, cost effective solutions to assist a person to live independently. Examples include grab rails, small external handrails and over bath showers. These are generally, lower in value. In the last financial year the Council undertook 135 minor adaptations.
- 2.3 Major adaptations generally require structural changes to a property, for example, replacing a bath with a level access shower or wet room, hard-standing/drive ways and stair lifts. In the last financial year the Council undertook 107 major adaptations.
- 2.4 The Policy sets out who can apply and the procedure that is followed when considering requests. To be eligible for an adaptation the tenant or a member of the tenant's household must be an occupant of a BDC property using this as their permanent or principle home.
- 2.5 There may be requests where it is not considered reasonable for an adaptation to be approved. Examples of cases are provided at 4.9 of the Policy, the list is not exhaustive and each case will be assessed on its own merit but this is useful guidance and helps to ensure consistency.
- 2.6 The Council sets a budget on an annual basis to carry out adaptations for the financial year, therefore adaptation works are subject to the availability of funding. Where a significant adaptation is required, for example over £30,000, the case will be referred to the Housing Stock Management Group to determine if the adaptation is a viable option or alternative accommodation to suit the applicants need would be more practical, this is set out at 4.14 of the Policy.
- 2.7 The Policy will allow for a consistent and common approach to the management of adaptations delivered by the Council.
- 2.8 The Policy has been developed in conjunction with the Customer Services Scrutiny Committee who have recommended that it be submitted to the Executive for approval and adoption.

3. Reasons for Recommendation

- 3.1 It is considered good practice to have a policy which sets out the Council's approach to Welfare Adaptations. Having a robust policy enables the Council to make consistent decisions and to explain this process to tenants.

4 Alternative Options and Reasons for Rejection

- 4.1 The policy is considered necessary so that members of the public are aware of the adaptations we are able to undertake, the process we will follow and provides an appeals process.

RECOMMENDATION(S)

1. That Executive approve and adopt the Welfare Adaptations Policy.

IMPLICATIONS:

Finance and Risk: Yes ☒ No ☐

Details:

There are no additional financial implications arising from this report, funding for welfare adaptations is already included in the medium term financial plan.

On behalf of the Section 151 Officer

Legal (including Data Protection): Yes ☐ No ☒

Details:

There are no legal implications arising from the report or Policy.

On behalf of the Solicitor to the Council

Staffing: Yes ☐ No ☒

Details:

There are no staffing implications arising from this report.

On behalf of the Head of Paid Service

DECISION INFORMATION

<p>Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds:</p> <p>Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i></p>	No
<p>Is the decision subject to Call-In? <i>(Only Key Decisions are subject to Call-In)</i></p>	No

District Wards Significantly Affected	(please state which wards or state All if all wards are affected)
<p>Consultation: Leader / Deputy Leader <input checked="" type="checkbox"/> Executive <input checked="" type="checkbox"/> SLT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/></p>	<p>Details: Customer Services Scrutiny</p>

Links to Council Ambition: Customers, Economy and Environment.

Customers – Providing excellent services
--

Supports Targets CUS.08 - Maintain high levels of tenant satisfaction with council housing and associated services
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DOCUMENT INFORMATION

Appendix No	Title
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A	Welfare Adaptations Policy
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Background Papers

<i>(These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Executive you must provide copies of the background papers).</i>
--

None

Welfare Adaptations Policy

Council Owned Properties

May 2022 - 2025



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Slovak

Rozprávame Vaším jazykom

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Policy Details	Comments / Confirmation (To be updated as the document progresses)
Policy title	Adaptations Policy
Current status – i.e. first draft, version 2 or final version	V3
Policy author (post title only)	Housing Policy and Intelligence Officer
Location of policy (whilst in development) – i.e. L-drive, shared drive	S drive
Relevant Cabinet Member (if applicable)	Cllr. Sandra Peake
Equality Impact Assessment approval date	
Partnership involvement (if applicable)	
Final policy approval route i.e. Joint Strategic Alliance Committee, Cabinet/Executive/Council	Executive
Date policy approved	
Date policy due for review (maximum three years)	May 2025
Date policy forwarded to Improvement (to include on Intranet and Internet if applicable to the public)	

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1. Introduction

The purpose of this policy is to adopt a consistent and common approach to the management of disabled adaptations delivered by the Council.

Housing adaptations can play an important role in allowing people to live independently, and in the comfort and safety in their own home.

Bolsover District Council's (BDC) Adaptations Policy sets out the policy and procedures framework for the provisions of adaptations in council accommodation. This could be in a tenant's current home or to enable the seeking of rehousing to suitable accommodation that may already be adapted and would better meet their housing need.

For the purpose of this policy, an adaptation is defined as an alterations or additions to a property to make it safer and easier to move around the home and undertake everyday tasks.

1.1 Aims

The aim of this policy is to assist, where reasonable and within financial and legislative constraints, tenants to access services that will help them or a member of their household to live as independently as possible. The Council will take a person-centred approach to identify suitable solutions and will work toward achieving this aim by:

- Working in partnership with Derbyshire County Council (DCC) Adult Care Services
- Being fair and accessible
- Encouraging independent living
- Recognising the vital importance of adaptations in supporting disabled people and people with significant health related issues to remain living independently in the community
- Ensuring that all adaptations are necessary, reasonable and practicable
- Prioritising adaptation needs to prevent hardship and to support vulnerable families and individuals
- Making best use of BDC's adapted housing stock by working with the Housing Needs Team
- Minimise waiting lists and waiting times
- Providing advice, assistance and support to explore all other support options
- Facilitating transfers to more appropriate accommodation where required
- Continuing to focus on providing a high quality adaptation service, delivering cost effectiveness and investment in adaptations within available budgets

2. Scope

The policy takes into account the growing recognition of housing authorities' role in supporting the health and social care system. We will work in conjunction with a

range of partners to deliver adaptations and assistance to BDC tenants, or members of their household, who have a disability or chronic illness to help them to continue to live independently.

Homeowners, leaseholders and private sector tenants are not included within the scope of this policy because they are eligible to apply for a Disabled Facilities Grant from the Council if they require financial assistance for disabled adaptations.

2.1 Legal Framework

The policy will have due regard to local policies and procedures as well as national legislation, which include the;

- Chronically Sick and Disabled Persons Act 1970
- Housing Act 1985
- Regulatory Reform (Housing Assistance) (England and Wales) Order 2002
- Human Rights Act 1998
- UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018
- Disabled Persons Act 1986
- Housing Grants, Construction and Regeneration Act 1996
- Housing Act 1996
- Equality Act 2010
- Care Act 2014.
- Home Adaptations for Disabled People 2013
- BDC Housing Allocations Policy

3. Principles

Bolsover District Council is committed to delivering an excellent service, ensuring that council tenants and their household, as far as possible, continue to live safely and independently whilst ensuring well-being and quality of life.

The policy will help to fulfil the Council's corporate priorities by;

- Promoting equality and diversity and supporting vulnerable and disadvantaged people
- Providing good quality council housing where people choose to live
- Improving health and well-being

4. Statement

4.1 Equality Act 2010 Disability Definition

Under the Equality Act 2010 the Council has a duty to make reasonable adjustments for people with disabilities to ensure they receive the same services, as far as this is possible, as someone who is not disabled.

A disability under this Act is defined as a physical or mental impairment that has a 'substantial' and 'long-term' negative effect on the ability to do normal daily activities.

'Substantial' and 'Long-term' mean;

- 'substantial' is more than minor or trivial, i.e. it takes much longer than it usually would to complete a daily task like getting dressed
- 'long-term' means 12 months or more, i.e. a breathing condition that develops as a result of a lung infection

4.2 Definition of Adaptations

Minor Adaptations

Minor Adaptations are low in value and are relatively simple, cost effective solutions to assist a person to live independently. They can be installed swiftly, promote wellbeing and reduce the risk of accidents, consequently averting additional costs associated with hospital admissions, or residential care and support.

Minor adaptations, as an example, can include:

- grab rails
- additional stair rails
- installation of lever taps
- small external handrails
- half steps
- small low-level ramps
- over bath showers
- minor kitchen alterations

Major Adaptations

Major Adaptations are of a higher value and generally require structural changes to a property, for example:

- replacing a bath with a level access shower or wet room
- installing ramps
- hard-standing/drive ways
- property extensions
- adapting a room specifically to make it safer for a disabled person
- installing access facilities, such as a stair lift, through floor lift, door widening

4.3 Who Can Apply?

BDC tenants of any age can apply for an adaptation for themselves or for any member of their household.

Carers of a disabled person can apply on the tenant's behalf.

To be eligible for an adaptation, the tenant or a member of the tenant's household must be an occupant of a BDC property using this as their permanent or principle home.

In the case of a split household where the disabled person is a child (less than 16 years or a child who is in full-time education under 19 years), adaptations will only be considered on one property. This would be the property where the parent the child is dependent on resides. When deciding on which parent the child is dependent on, the following will be taken into account, but is not limited to:

- Who the child resides with primarily
- Any Court Orders in place
- Who Child Benefit is paid to
- Written Agreements between parents
- The individual facts of the case.

Cases outside the above may be reviewed by BDC Welfare Team and will be considered sensitively prior to a decision being made.

If more than one member of the household is disabled and requires adaptations to meet their needs, each disabled person would be required to complete an application form and receive an assessment from Derbyshire County Council's (DCC's) Occupational Therapist.

To be eligible for an adaptation there must be a proven assessed need.

Homeowners, leaseholders and private sector tenants should apply for a [Disabled Facilities Grant](#) from the Council if they require financial assistance for disabled adaptations.

4.4 How to Apply

In the first instance, tenants or a member of their household will be required to do a self-referral to Call Derbyshire, Adult Care, or Starting Point for Children and Young Adults up to 18 years old. In some cases organisations can refer on the disabled persons behalf, for example carers.

Contact [Call Derbyshire](#), telephone: **01629 533190** and request an assessment of needs.

Derbyshire County Council (DCC) Occupational Therapy service will assess the applicants requirements and needs in line with [DCC's policy and procedures](#).

DCC will then make a formal recommendation to BDC to undertake the work.

Hospital Referrals - Patients in hospital who live in council housing can be assessed by the hospital occupational therapist prior to discharge, in these cases they will send their recommendation direct to BDC.

4.5 Welfare Adaptation Procedure

BDC can discharge its duties by any of the following means:

- Rehousing to alternative adapted accommodation
- Provision of adaptations that can be reasonably carried out
- Offer suitable re-housing

Once the assessment and adaptation needs have been identified a panel meeting will be held with a Service Manager from DCC and the Council's Welfare Team where the requests will be considered.

A further visit may be undertaken if necessary with the Occupational Therapist and Housing Needs/Tenancy Management Officer.

4.6 Prioritising Adaptations and Timescales

All works will be carried out in chronological order from the date the referral is received unless the Occupational Therapist or the BDC Welfare Team determine the adaptation needs to be prioritised.

4.7 Maintenance and Tenant Obligations

The Council will meet the costs of all routine repairs and maintenance to any adaptation it funds through this policy. The Tenant must allow access for any servicing or repairs.

It is the responsibility of the Tenant to ensure that any adaptations are not misused or abused. Any repair costs as a result of misuse will be charged to the Tenant.

All adaptations are the property of BDC and must NOT be removed or resold by the tenant.

4.8 Feasibility and Pricing Assessment

The Council will consider a number of factors before approving an adaptation based on the Occupational Therapist's advice, for example:

- Are the adaptation works reasonable and practicable, for example, having regard to the age and character of the property
- Whether it is practical to undertake an adaptation due to design or layout of property
- If access to a property is not suitable to meet the applicants requirements, and the access cannot be reasonably or practically be adapted, then further adaptations to the property may be refused
- Where a stair lift or lift is required in a block of flats, consider whether this is in a communal area or a private staircase. Stair lifts in communal areas will not be approved
- Where a property is being considered for redevelopment
- Where works require planning permission or Building Regulation approval, which would not be granted.

- Condition of property – where such works would pose a significant health and safety risk to staff
- Where a housing application to move is in progress
- Whether the adaptation meets the long term needs of the disabled person/s
- The availability of the applicants existing support network and carers
- The cost of the adaptations necessary to the current property
- Any under-occupation/overcrowding of the present accommodation may be taken into consideration
- Property type and demand
- The likely availability of more appropriate alternative accommodation
- Where a Right to Buy application has been made
- Where the Council is seeking possession of a property because of a breach of tenancy conditions

The list is not exhaustive and each case will be assessed on its on merit.

Occasions may arise where work is pending and a change in circumstances requires a further assessment. Should this occur, if the work pending has not been started, then it will not commence until DCC has submitted a further assessment. The new work may then be added to the pending work to be completed as one job.

4.9 Circumstances where an adaptation will be refused

There may be circumstances where it is not considered reasonable for an adaptation to be approved.

If it is considered by the Council that a tenant or a member of their household's needs would be best met through a move to a more suitable property, a priority transfer within the Council's stock, in accordance with the Allocations Policy, will be sought.

The Welfare Team will provide housing need details to the Housing Options officers to support the move.

Examples of cases where it may be considered unreasonable or impracticable for major adaptation works to be undertaken and more appropriate accommodation may be sought including the following;

- In a family dwelling where under or over occupation exists
- Where there is a requirement to provide an additional bedroom or living room and suitable alternative accommodation is available
- Where a level access shower is required in properties at first floor or above, where there is no lift
- Where access ramps would adversely affect the amenity of the area
- Where the works would significantly affect the Council's ability to let the property in the future and there is suitable alternative accommodation
- To provide access ramps or major adaptations for applicants with a terminal condition when safe and temporary, but effective, solutions can be undertaken quickly
- To communal / joint access paths and steps

- The practicalities of carrying out adaptations to properties with narrow doors and stairways and passages which might make wheelchair use in and around the dwelling difficult
- Where there are competing needs of different members of the family which cannot be met in that particular home
- Where the Council intends to dispose of the property or where the property becomes part of a redevelopment proposal
- Where there is suitable alternative adapted, part adapted accommodation or where it is considered likely that a suitable property will become available within 12 months of the request being made
- Where a tenant leaves a property (through their own choice or through eviction) that has previously been adapted for their needs within 3 years of any adaptation having been completed
- If a request is received for a property where possession proceedings have commenced

The list is not exhaustive and each case will be assessed on its own merit:

4.10 Rent Arrears

Where a request for adaptations is received and there are rent arrears of over £500, contact will be made with the tenant to ensure a payment plan is in place and being adhered to prior to any works being carried out.

4.11 Mobility Scooters

BDC will not ordinarily provide provision for resident's mobility scooters. Each application would be considered on its own merits, taking into account recommendations from the Occupational Therapist, as well as having regards to Building Control and Planning Regulations.

Tenants will be responsible for altering access paths/gates and supplying hard standings, sheds, electrical supply and any other associated works connected to accommodating their scooter, after receiving permission from BDC and where applicable Building Control and Planning.

Mobility scooters must not be positioned in communal areas or stored near habitable properties, to ensure prevention of risk of fire.

4.12 Removal and Recycling of Adaptations

Where a void property already has an adaptation in-situ a full assessment will be undertaken to identify the age and condition of the adaptation and whether it would be suitable for the adaptation to remain.

No adaptations funded by the Council should be removed by the tenant or anyone acting on their behalf without the agreement of the Council.

Where it is identified that:

- the adaptation is not economical it will be removed as part of the voids process

- the adaptation is in good condition the property type will be assessed for long-term suitability and where appropriate, adaptations will be kept in-situ to ensure best use of the property
- there is no need for the adaptation which has been installed, consideration will be given to removing the adaptation and restoring the property to the current lettable standard for the property type

Where adaptations have been carried out to a property designated for elderly or disabled people, these will not normally be reversed. For example, where a bath has been replaced with a level access shower.

Where General Needs accommodation has been adapted, the Council may seek to find a suitable applicant, through the usual Allocations Policy and procedures, who will benefit from such adaptations.

4.13 Right to Buy Applications

Where a Right to Buy application is submitted, adaptation applications will be cancelled.

Any removable adaptations i.e. stairlifts already in situ, will be offered to the Tenant as part of the Right to Buy purchase at a cost which will include depreciation. If the Tenant declines, the equipment will be removed prior to the completion of sale.

4.14 Funding

The Council sets a budget on an annual basis to carry out adaptations for the financial year, therefore adaptation works are subject to the availability of funding.

In the event that resources become limited in the future or demand increases significantly, the Council will allocate funding for adaptations based on their priority.

Derbyshire County Council provides a range of aids and equipment to assist people with a disability to maintain their independence. These are delivered directly to their home, therefore the Council will not fund non-fixed equipment, for example:

- Powered bath-hoists
- Commode chairs
- Specialist toilet seats
- Specialist furniture
- Induction loops

Adaptations are normally funded to the value of £30,000. If the works required exceed this amount, the case will be referred to the Housing Stock Management Group to determine if the adaptation is a viable option or alternative accommodation to suit the applicants need would be more practical.

There is currently no requirement for a financial assessment (means test) for any applicant requesting adaptations. This requirement, however, is still in place for private sector adaptations by means of the Disabled Facilities Grants (DFG).

4.15 Appeals

If an applicant wishes to appeal against any decision taken relating to their requested adaptation they should set out the reasons for the appeal in writing, either by letter or email, addressed to the Head of Housing Management and Enforcement and the Head of Property Services & Housing Repairs.

Contact details; Bolsover District Council, The Arc, High Street, Clowne. S43 4JY.
Email: enquiries@bolsover.gov.uk

A joint decision will be made and the applicant will be notified in writing with an explanation for the decision.

If the appeal is rejected the decision will include the options available, for example, moving to an accessible or adapted property.

Should an applicant remain dissatisfied, they can access the Council's Corporate Complaints procedure at: www.bolsover.gov.uk

4.16 Monitoring

The BDC Welfare Team will feed back the outcome of the adaptation request to Derbyshire County Council to enable them to update their cases.

Internally adaptations will be monitored through the Housing Stock Management Group. An annual report will be submitted to the group detailing performance.

5. Responsibility for Implementation

The Policy will be implemented by the Council's Welfare Team working in partnership with other Council departments and external organisations, for example, but the list is not exhaustive:

- Council's Housing Needs Team
- Derbyshire County Council
- Care providers
- Social Care
- Hospital Occupational Therapists
- Contractors
- Tenancy Management Team
- Asset Management team
- Property Services and Repairs team

Bolsover District Council

Meeting of the Executive on 16th May 2022

Business Rates Mandatory and Discretionary Rate Relief Policy

Report of the Portfolio Holder for Finance

Classification	This report is public
Report By	Assistant Director of Finance and Resources
Contact Officer	Assistant Director of Finance and Resources Theresa Fletcher 01246 242548 theresa.fletcher@bolsover.gov.uk

PURPOSE/SUMMARY OF REPORT

To seek approval from Executive for the Business Rates Mandatory and Discretionary Rate Relief Policy, attached at **Appendix 1**.

REPORT DETAILS

1. Background

- 1.1 The Council has the power to award business rate relief under Section 44a, Section 47 and Section 49 of the Local Government Finance Act 1988.
- 1.2 The law governing the granting of discretionary rate relief is found in Section 47 of the 1988 Act and subsequent amending legislation and Section 69 of the Localism Act 2011.

2. Details of Proposal or Information

- 2.1 This policy applies to Non-domestic ratepayers within the Bolsover District Council area that are requesting the authority use their discretion to reduce the organisation's Business Rates liability. There are two distinct types of relief.

Mandatory Business Rate Relief

- 2.2 This rate relief is available to:

- Any organisation which is a registered or excepted charity or trustees for a charity and the property is used wholly or mainly for charitable purposes.

- Community Amateur Sports Clubs (CASC) registered with HMRC.
- 2.3 Mandatory rate relief for these organisations is funded by the government and gives the recipient an 80% reduction in their business rates.
- Discretionary Business Rate Relief**
- 2.4 Billing authorities have the discretion to award discretionary relief in the following circumstances:
- Where the ratepayer is a registered charity or certain other charitable organisation and the property is wholly or mainly for charitable purposes.
 - Where the ratepayer is an organisation which is not established or conducted for profit and whose main objectives are:
 - a) Either - Charitable, Philanthropic or Religious
 - b) Or are concerned with – Education, Social Welfare, Science, Literature or Fine Arts.
- 2.5 Discretionary rate relief of up to 100% may be granted, after taking into consideration all other reliefs an organisation may qualify for. The amount of any award is at the discretion of the Council. The relief is funded 50% by the government; 40% by the Council; 9% by the County and 1% by the Fire and Rescue Service (being the percentages applicable to share out the business rates income from the collection fund).
- 2.6 For charities and CASC's that are eligible for the 80% mandatory relief, the Council has powers to award discretionary rate relief as a 'top-up' of up to 20%.
- 2.7 Within the policy is described the application, decision making and appeals process for Mandatory and Discretionary Relief. Guidance is also given on Partial Occupation Relief and Hardship Relief which are both forms of discretionary relief. Rural Rate Relief is also included which can have both a discretionary and mandatory element.

3. Reasons for Recommendation

- 3.1 The Business Rates Mandatory and Discretionary Rate Relief Policy has been updated to take account of all legislative and operational changes to ensure it remains fit for purpose. The policy was presented to the Customer Services Scrutiny Committee on 21st March 2022 for comments.

4 Alternative Options and Reasons for Rejection

- 4.1 No alternatives found – the Council is required to have a Business Rates Mandatory and Discretionary Rate Relief Policy to enable us to operate the schemes.

RECOMMENDATION(S)

1. That Executive approves the Business Rates Mandatory and Discretionary Rate Relief Policy.

Approved by Councillor Clive Moesby, Portfolio Holder for Finance

IMPLICATIONS:

Finance and Risk: Yes ☐ No ☒

Details:

The financial issues are covered within the attached document and throughout the report.

On behalf of the Section 151 Officer

Legal (including Data Protection): Yes ☐ No ☒

Details:

There are no legal or data protection issues arising directly from this report.

On behalf of the Solicitor to the Council

Staffing: Yes ☐ No ☒

Details:

There are no human resource issues arising directly out of this report.

On behalf of the Head of Paid Service

DECISION INFORMATION

Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input type="checkbox"/> <input checked="" type="checkbox"/> Please indicate which threshold applies	No
Is the decision subject to Call-In? <i>(Only Key Decisions are subject to Call-In)</i>	No

District Wards Significantly Affected	None
Consultation: Leader / Deputy Leader <input type="checkbox"/> Executive <input type="checkbox"/> SLT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input checked="" type="checkbox"/>	Details: Portfolio Holder for Finance

Links to Council Ambition: Customers, Economy and Environment.

DOCUMENT INFORMATION	
Appendix No	Title
1	Business Rates Mandatory and Discretionary Rate Relief Policy (February 2022)

Background Papers
<i>(These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Executive you must provide copies of the background papers).</i>
None



Business Rates

Mandatory and Discretionary Rate Relief Policy

February 2022



We speak your language

Polish

Mówimy Twoim językiem

Slovak

Rozprávame Vaším jazykom

Chinese

我们会说你的语言

If you require this publication in
large print or another format
please call us on **01246 242424**

CONTROL SHEET FOR Mandatory and Discretionary Rate Relief Policy

Policy Details	Comments / Confirmation (To be updated as the document progresses)
Policy title	Business Rates Mandatory and Discretionary Rate Relief
Current status – i.e. first draft, version 2 or final version	Final draft
Policy author (post title only)	Revenues & Benefits Manager
Location of policy (whilst in development)	
Relevant Cabinet Member (if applicable)	Cllr Moesby
Equality Impact Assessment approval date	
Partnership involvement (if applicable)	
Final policy approval route i.e. Executive/ Council	Customer Service Scrutiny Committee then to Executive
Date policy approved	
Date policy due for review (maximum three years)	
Date policy forwarded to Performance & Communications (to include on Extranet and Internet if applicable to the public)	

1. Introduction

The purpose of the document is to set out the Council's Policy on the awarding of mandatory and discretionary rate relief.

2. Scope of the Policy

The policy applies to Non Domestic ratepayers within the Bolsover District Council area that are requesting the authority use their discretion to reduce the organisation's Non Domestic Rates liability.

Awards of discretionary rate relief can be made to various categories of ratepayer. These include:-

- Charitable organisations
- Community Amateur Sports clubs
- Non-profit making organisations
- Qualifying properties within approved rural settlements
- Occupiers of partly occupied premises
- Organisations suffering severe hardship

3. Principles

This policy relates to the business rate relief that the Council has a power to award under Section 44a, Section 47 and 49 of the Local Government Finance Act 1988.

The law governing the granting of discretionary rate relief is found in Section 47 of the Local Government Finance Act 1988 and subsequent amending legislation and Section 69 of the Localism Act 2011.

The policy will support the delivery of the Council's Ambition under the 'Customer' key objective and the priorities of:

- Increasing customer satisfaction with our services.
- Improving customer contact and removing barriers to accessing information.

4. Policy Statement

4.1 Charities & Other Not for Profit Organisations

Mandatory Business Rate Relief

This rate relief is available to:-

- Any organisation which is a registered or excepted charity or trustees for a charity and the property is used wholly or mainly for charitable purposes.*
- Community Amateur Sports Clubs (CASC) registered with HMRC.

Mandatory rate relief for these organisations is funded by the government and gives a recipient an 80% reduction in their business rates.

*In order for Charity shops to be eligible for this relief all goods must have been donated

Discretionary Rate Relief

Section 47 of the Local Government Finance Act 1998 and subsequent amending legislation and Section 69 of the Localism Act 2011, gives billing authorities the discretion to award discretionary rate relief in the following circumstances:

- Where the ratepayer is a registered charity or certain other charitable organisation and the property is wholly or mainly used for charitable purposes
- Where the ratepayer is an organisation which is not established or conducted for profit and whose main objectives are:

(a) Either,

- Charitable
- Philanthropic
- Religious

(b) Or are concerned with:

- Education
- Social Welfare
- Science
- Literature
- Fine Arts

Discretionary rate relief of up to 100% may be granted, after taking into consideration all other reliefs an organisation may qualify for. The amount of any award is at the discretion of the Council.

For Charities and CASC's that are eligible for the 80% mandatory relief the Council has powers to award discretionary rate relief, as a 'top-up' of up to 20%.

Discretionary Rate Relief 'Top Up'

A 'top up' of up to 20% discretionary relief may be applied to charities, but only where the charity/CASC is a local one, which operates within the Bolsover District Council area and whose objectives primarily benefit residents of Bolsover District Council and is not affiliated to a national charitable organisation.

The amount of 'top up' relief will also be restricted to a maximum of the amount of money that an organisation could demonstrate that the Council saves as a result of the service they provide.

Each case will be considered on its own merits with priority given to efficient and well managed organisations that:

- Primarily benefit Bolsover District Council residents;
- Have a strong link with the Corporate aims of the Council;
- Relieve the Council of providing facilities or services;
- Maximise the use of their premises for the community;

Consideration will also be given to:

- The financial cost to the Council incurred in awarding relief;
- The organisation's ability to pay its rates (where the levels of reserves and other funding are substantial, relief will not normally be awarded);
- The level of membership fees, where appropriate, and how accessible this would be to the general community;
- The funding of the organisation and if mainly locally funded;
- The level of reliance on volunteers to deliver the service provided;
- Organisations that recognise diversity and serve particular equalities groups.

Level and period of award

Discretionary relief for non-charitable organisations will normally be limited at 80%. As with the discretionary rate relief 'Top up' for non-charitable organisations to receive discretionary relief above 80%, the organisation must demonstrate that the Council saves as a result of the service they provide and this part of the relief will only be payable up to a maximum of these savings.

Relief will be awarded as a fixed sum or calculated as a percentage of the rates bill subject to the maximum award limits.

The period of the rate relief award will generally be open ended. However, the Council reserves the right to award for a fixed period at the end of which any award will end.

The Council will review all open-ended awards every 3 years to ensure that each application continues to be awarded in line with the current policy.

Application /decision making process

In order to ensure there is a fair and consistent approach to the award of relief, all applications will be considered within the guidelines of this policy.

Applications are required to be made in writing. Whilst the regulations do not specifically require organisations to complete an application, in order for the council to be able to fully consider a request for any relief then the applying organisation should complete the appropriate application form and submit any relevant documentation in support of the application.

Applications will be considered on an individual basis by: The Executive Director of Resources under delegated authority for determining discretionary rate relief. The Executive Director of Resources to be given advice from an Officer/Member group who will consider the applications in detail against the policy criteria.

The advice group to be:

Portfolio Holder for Finance

Assistant Director of Finance & Resources (Chief Finance Officer)

Revenues & Benefits Manager

4.2 Section 44A - Partial Occupation Relief

Authorities have discretion, under Section 44A of the Local Government Finance Act 1988, to reduce the rates on a property which is partly occupied for a short period of time only.

The amount of relief is calculated on a statutory basis based on the rateable value of the empty portion of the property. This value is provided by the Valuation Office.

The granting of this relief is entirely at the discretion of Bolsover District Council and each case will be considered on its merits. It must be in the interests of Bolsover District Council Taxpayers and the applicant will be required to set out in writing why it would be in taxpayer's interest.

Relief can only be awarded where the partial occupation is of a temporary nature.

Where the area or part of the area is expected to be unoccupied for a period in excess of 1 year the Council will not consider this to be of a temporary nature. The Council will not consider Section 44A relief where the period of partial occupation is less than 6 weeks.

The relief will cover the full rateable value of the empty part of the premises for the first 3 months of it being empty (or, if it is industrial, for the first 6 months). After this period in most cases the apportionment of the property will cease to have effect and the occupied business rates for the whole property will apply.

Section 44A relief may be applicable in the following circumstances: and where the occupied and unoccupied parts of the property can be easily segregated:-

- Where the business has short term practical or financial difficulties in occupying.
- Phased occupation or vacation when moving within the BDC area.
- Where the business takes on larger premises to expand into at a later date.
- Temporary occupation due to remedial building or refurbishment works.

In all of the above cases, the period of part occupation must be for a temporary period and relief will not be awarded where it appears to the Council that the reason that part of the property is empty is in any way for the purpose of applying for partial empty rate relief.

Section 44A relief will not be awarded where:

- There is no reasonable intention to fully occupy the vacant part of the premises.
- The vacant part of the premises is used by the Landlord.
- The part occupation is permanent or where temporary not short term.
- The vacant area is sub-let.
- The area is vacant due to seasonal trends/requirements of the business.
- The part occupation is due to the normal day to day operation of the business e.g. due to the fluctuations in stock level of a warehouse.

- The part occupation is due to the business being in the process of moving out of the BDC area.
- Applications will not be considered for retrospective periods.
- Section 44a relief has previously been awarded on the same hereditament within a 12 month period.
- The part occupation is due to a process of refurbishment/modernisation of the premises.

Applications must be made in writing by the ratepayer and a plan of the property with the unoccupied portions clearly identified must be supplied.

The Council will require access to the property during normal working hours in order to verify the claim. This access must be provided within a 4 week period of the application being made. Further access may then need to be provided during the period for which the relief is being awarded, in order to verify ongoing eligibility.

Applications to be considered by the Revenues Section.

4.3 Section 49 – Hardship Relief

Authorities have the discretion, under Section 49 of the Local Government Finance Act 1988, to reduce or remit all or part of a rate liability of any organisation, which in the opinion of the Council, is suffering hardship.

In considering applications for hardship relief the Council must have regard for the interests of the local community as a whole. This includes the cost to the community and the benefits, impact on local employees and services to the community.

There is no statutory definition of hardship therefore the Authority must arrive at its own decision in relation to any application. Each case should be considered on its own merits and a blanket policy on whether or not to grant relief should not be adopted.

It is recognised that there may be occasional circumstances in which the award of hardship relief is beneficial to Local Council Taxpayers or the community. However, in accordance with Government guidelines hardship relief should be used sparingly and only in the most exceptional circumstances.

Exceptional circumstances would not include the impact of increased competition or running costs or the effects of strikes within a business or organisation.

As a general rule, circumstances that would be covered by commercial insurance or compensation would not be considered.

In all cases the Council must be satisfied that:

- All other eligible discounts/reliefs have been awarded to the ratepayer.
- The ratepayer will suffer hardship if the relief is not granted.
- There is a direct benefit to the ratepayer, or the community, and there is no adverse impact to other ratepayers or the community as a result of awarding relief.
- The cost to local taxpayers is proportional to the benefits to the community.

- The relief is awarded as a result of a crisis (i.e. a serious loss of income/trade or a major effect on services that can be provided to the community) or exceptional circumstances which are outside the control of the business or organisation and are not considered 'normal' 'business risks'.
- If unoccupied, the liable person has made every effort to sell or let the property.
- The Council's finances allow for a reduction to be made and it is reasonable to do so in view of the impact on other charge payers and the community.
- The Council is satisfied that the Valuation Office has been asked to review the rateable value.

Applications must be made in writing by the ratepayer or someone authorised to act on their behalf. Sufficient information and evidence must be provided to support the application. Where insufficient information is provided then Bolsover District Council will be unable to consider an award of hardship relief.

Applications must provide the following information and supporting details, as appropriate:

- The reason for the application.
- Articles of Association.
- A full description of the business/organisation and the goods or services provided.
- A set of the most recent accounts.
- The last 2 years audited accounts.
- An up to date trading statement showing the current financial situation of the business.
- Details of the amount of relief requested and the period it relates to.
- A full explanation of the benefits to the community and local taxpayers which would arise from an award of relief.
- Details of the number of employees and the number which reside within the Bolsover District area.
- Any other relevant supporting information/evidence

Hardship relief may be awarded as a fixed sum or as a percentage of the rates bill.

In order to ensure there is a fair and consistent approach to the award of relief, all applications will be considered within the guidelines of this policy.

Applications will be considered on an individual basis by: The Executive Director of Resources under delegated authority for determining Discretionary Rate Relief. The Executive Director of Resources to be given advice from an Officer/Member group who will consider the applications in detail against the policy criteria.

The advice group to be:

Portfolio Holder for Finance

Assistant Director of Finance & Resources (Chief Finance Officer)

Revenues & Benefits Manager

4.4 Rural Rate Relief

Applications for rural rate relief can be considered from small businesses situated in a qualifying rural settlement area. A qualifying rural settlement must have a population not exceeding 3,000 and will usually be a small village or hamlet.

Mandatory relief and discretionary relief are both available under this scheme.

In considering applications for relief the Council must have regard for the interests of the community as a whole. This includes the cost to the community and the benefits or disadvantages of awarding relief.

Mandatory Rural Rate Relief

Mandatory relief of 50% may be granted to all of the following business types provided that they are situated within a designated rural settlement and meet the criteria as set out below:

- Post Office – the only such business in the rural settlement and with a rateable value of £8,500 or less.
- General Store – the only such business in the rural settlement with a rateable value of £8,500 or less.
- Public House – the only such business in the rural settlement and with a rateable value of £12,500 or less.
- Petrol Station – the only such business in the rural settlement and with a rateable value of £12,500 or less.
- Rural Food Shop - business consisting wholly or mainly of the sale of food for human consumption, * excluding certain food types, with a rateable value of £8,500 or less.

*excluded food types are confectionery and the supply of food for consumption on the premises, or hot food for consumption off the premises.

Discretionary Rural Rate Relief

Discretionary rural rate relief of up to 50%, may be awarded in respect of properties receiving mandatory rural rate relief. For those that do not qualify for the mandatory relief a discount of between 25% - 100% relief may be awarded. Discretionary relief for other businesses in a rural settlement can be considered for those with a rateable value of £16,000 or less and the property is used for a purpose which benefits the local community.

Each application will be considered on its own merits but the Council will take the following factors into account in the decision making process:

- If the business provides essential goods or services which are essential for the day to day needs of the local community.
- The effect on the local community if the business were to close.
- If the business employs a number of people from the local community, and alternative employment prospects.
- Does the business provide free to use cash machines?

- If the business provides an invaluable service to those with no access to their own transport and public transport is limited.
- The benefits to vulnerable residents.
- The business is a small local business and is not part of or a subsidiary of a larger organisation.

When applying for this discretionary relief applicants will need to provide sufficient information and evidence, as the Council requires, in order for the above factors to be considered in the decision on granting relief.

Awards of mandatory rural rate relief (and discretionary rural rate relief where mandatory rural rate relief awarded) to be considered by the Revenues Section.

In order to ensure there is a fair and consistent approach to the award of relief, all applications will be considered within the guidelines of this policy.

Applications for discretionary rural rate relief where mandatory rural rate relief has not been awarded to be considered on an individual basis by: The Executive Director of Resources under delegated authority for determining discretionary rate relief. The Executive Director of Resources to be given advice from an Officer/Member group who will consider the applications in detail against the policy criteria.

The advice group to be:

Portfolio Holder for Finance

Assistant Director of Finance & Resources (Chief Finance Officer)

Revenues & Benefits Manager

4.5 Appeals

There is no statutory right of appeal against a decision regarding discretionary rate relief made by the Council. However, the Council recognises that ratepayers should be entitled to have a decision reviewed objectively if they are dissatisfied with the outcome.

Any appeals must be made in writing and must give reasons why it is believed the decision should be amended. The Appeal must be made within a calendar month of the notification of the Council's decision being issued.

Any decision on appeals made will be final.

For any appeals against the refusal of mandatory relief this decision could be further challenged in the Magistrate's Court at a liability hearing following a summons being issued.

Bolsover District Council

Meeting of the Executive on 16th May 2022

Council Tax Discretionary Relief Policy

Report of the Portfolio Holder for Finance

Classification	This report is public
Report By	Assistant Director of Finance and Resources
Contact Officer	Assistant Director of Finance and Resources Theresa Fletcher 01246 242548 theresa.fletcher@bolsover.gov.uk

PURPOSE/SUMMARY OF REPORT

To seek approval from Executive for the Council Tax Discretionary Relief Policy, attached at **Appendix 1**.

REPORT DETAILS

1. Background

- 1.1 Section 13A of the Local Government Finance Act 1992 allows the billing authority to reduce the amount of Council Tax payable by tax payers. The legislation allows for either specific classes of cases to be identified or for cases to be determined on an individual basis.
- 1.2 The Local Government Act 2012 inserted a new Section 13A and in effect created two discounts:
 - Local Council Tax Support schemes under 13A (1) (a) and
 - 13A (1) (c), which is the original 13A discounts, as amended.
- 1.3 This policy deals specifically with Section 13A (1) (c).

2. Details of Proposal or Information

- 2.1 Section 13A (1) (c) discounts will be used to provide relief to care leavers (as defined within the policy) and those in the most extreme financial hardship or in cases of unforeseen or exceptional circumstances that affect tax payers ability to meet their Council Tax liability.

- 2.2 There is a financial implication to awarding discounts under Section 13A (1) (c) as they have to be funded directly by the Council. There is therefore a direct impact on local Council Tax payers.
- 2.3 Any applications for a discount must be considered with due regard for the financial implications. Therefore, normally the Council will not grant local discounts unless there are very exceptional circumstances, however, where the circumstances meet the criteria outlined in this policy, a discount may be granted.
- 2.4 The Council will give consideration to all matters before it, when determining a discretionary discount award.
- 2.5 The Government may introduce a specific scheme in response to an event, such as the pandemic. Where such schemes are introduced, funding is normally fully met by Government without any impact on the local Council Tax payers.
- 2.6 Within the policy, section 5 describes the application process and section 6 explains the decision making and appeals process.

3. Reasons for Recommendation

- 3.1 The Council Tax Discretionary Relief Policy has been updated to take account of all legislative and operational changes to ensure it remains fit for purpose. Through the operation of this policy the Council seeks to ensure that the most vulnerable receive the support they need whilst ensuring local Council Tax payers are not unfairly burdened. The policy was presented to the Customer Services Scrutiny Committee on 21st March 2022 for comments.

4 Alternative Options and Reasons for Rejection

- 4.1 No alternatives found – the Council is required to have a Council Tax Discretionary Relief Policy to enable us to operate the scheme.

RECOMMENDATION(S)

1. That Executive approves the Council Tax Discretionary Relief Policy.

Approved by Councillor Clive Moesby, Portfolio Holder for Finance

IMPLICATIONS:

Finance and Risk: Yes ☐ No ☒

Details:

The financial issues are covered within the attached document and throughout the report.

On behalf of the Section 151 Officer

<u>Legal (including Data Protection):</u> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Details: There are no legal or data protection issues arising directly from this report. <div style="text-align: right;">On behalf of the Solicitor to the Council</div>
<u>Staffing:</u> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Details: There are no human resource issues arising directly out of this report. <div style="text-align: right;">On behalf of the Head of Paid Service</div>

DECISION INFORMATION

Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
Is the decision subject to Call-In? <i>(Only Key Decisions are subject to Call-In)</i>	No

District Wards Significantly Affected	None
Consultation: Leader / Deputy Leader <input type="checkbox"/> Executive <input type="checkbox"/> SLT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input checked="" type="checkbox"/>	Details: Portfolio Holder for Finance

Links to Council Ambition: Customers, Economy and Environment.

DOCUMENT INFORMATION	
Appendix No	Title
1	Council Tax Discretionary Relief Policy (February 2022)

Background Papers <i>(These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Executive you must provide copies of the background papers).</i>
None



Council Tax Discretionary Relief

February 2022



We speak your language

Polish

Mówimy Twoim językiem

Slovak

Rozprávame Vaším jazykom

Chinese

我们会说你的语言

If you require this publication in
large print or another format
please call us on **01246 242424**

CONTROL SHEET FOR Council Tax Discretionary Relief

Policy Details	Comments / Confirmation (To be updated as the document progresses)
Policy title	Council Tax Discretionary Relief Scheme
Current status – i.e. first draft, version 2 or final version	Final draft
Policy author (post title only)	Revenues & Benefits Manager
Location of policy (whilst in development)	
Relevant Cabinet Member (if applicable)	Cllr Moesby
Equality Impact Assessment approval date	
Partnership involvement (if applicable)	
Final policy approval route i.e. Executive/ Council	Customer Service Scrutiny Committee then Executive
Date policy approved	
Date policy due for review (maximum three years)	
Date policy forwarded to Performance & Communications (to include on Extranet and Internet if applicable to the public)	

1. Introduction

1.1 Section 13A of the Local Government Finance Act 1992 allows the billing authority to reduce the amount of Council Tax payable. The legislation allows for either specific classes of cases to be identified or for cases to be determined on an individual basis.

1.2 The Local Government Act 2012 inserted a new Section 13A and in effect created two discounts:

- Local Council Tax Support schemes under 13A(1)(a) and
- 13A (1) (c), which is the original 13A discounts, as amended.

1.3 There is a financial implication to awarding discounts under Section 13A (1) (c) as they are funded directly by the Council. Therefore, there is a direct impact on local Council Tax payers.

2. Scope

2.1 Section 13A (1) (c) discounts will be used to provide relief to care leavers (as defined within the policy statement) and those in the most extreme financial hardship or in cases of unforeseen or exceptional circumstances that affect tax payers ability to meet their Council Tax liability.

As the cost falls to be met by local tax payers, any applications for a discount must be considered with due regard for the financial implications. Therefore, normally the Council will **not** grant local discounts unless there are very exceptional circumstances, however, where the circumstances meet the criteria outlined in this policy a discount may be granted. The Council will give consideration to all matters before it when determining a discretionary discount award.

In addition, the Government may introduce a specific scheme in response to an event such as a natural disaster e.g. flooding, or pandemic. Where such schemes are introduced, funding is normally fully met by Government without impact on the local Council Tax. Any such schemes, even though they fall to be administered under Section 13A, will be administered in accordance with instructions and guidance set out by Government.

This discretionary relief policy is independent of the Council's Council Tax Support Scheme (CTS).

3. Principles

3.1 This policy will support the delivery of the Council's Ambition.

In particular this policy supports the 'Customer' key objective and the priorities of:

- Increasing customer satisfaction with our services.
- Improving customer contact and removing barriers to accessing information.
- Promoting equality and diversity and supporting vulnerable and disadvantaged people.

4. Award Criteria

4.1 Section 13A (1) (c) relief will be used in cases of unforeseen or very exceptional circumstances that threaten taxpayers abilities to fund the cost of their council tax.

The main features of this relief are that:

- it is discretionary;
- an applicant does not have a statutory right to a payment;
- the operation of the scheme is for the Council to determine;
- the Council may choose to vary the way in which funds are allocated according to community needs and Council resources;
- in the interests of fairness the Council will operate an internal review procedure in a non-discriminatory way;
- Appeals can be made to the Valuation Tribunal under Section (1) (b) of the Local Government Finance Act 1992.

5. Policy Statement

5.1 There will be no formal application form. All applications should be made in writing and submitted to the Revenues Section under the heading Section 13A Discount Application.

5.2 Where the scheme relates to a Government scheme, the method of application, eligibility criteria, award of any discount and any appeal rights will be set out by Government or, where local discretion is allowed, as defined by the Council for that specific instance.

5.3 With exception of discounts for 'care leavers' each application must set out the circumstances upon which the application is based and should include:

- The level of discount being requested (i.e. is this for the full year's council tax or part of it, such as 50%);
- The reason for the request (i.e. why is the discount wanted and how this meets our policy);
- The period of time the discount is wanted for (i.e. the full financial year, part of the financial year, or some other period of time);
- Details of steps that have been taken to meet or mitigate the council tax liability (i.e. what other reductions or discounts have been applied).

5.4 To determine eligibility each application will be considered on its individual merits against the criteria above. Regard will be given to the circumstances of the applicant. This may include, but is not limited to:

- The applicant's financial circumstances, including their income and expenditure.
- Other help that may be available to the applicant.
- Other special circumstances.

5.5 Applications for council tax discount for care leavers may be made by the care leaver or by the Leaving Care Team, or equivalent, for and on behalf of the care leaver previously registered with a local authority in the financial year immediately preceding their 18th birthday. The following criteria will apply:

- A care leaver is defined as a young person aged 18 to 25 who was formerly a child in care of a local authority and who then became a 'care leaver' as described in The Children (Leaving Care) Act 2000 and is liable for Council Tax on a dwelling within the Bolsover District Council area.
- Applications may be backdated to 1 April in the year of the application if the 18th birthday fell in the previous year.
- Council Tax Discount will be awarded on a single occupied property as the sole or main residence in the District Council's area from the date of the care leavers 18th birthday until the day immediately preceding their 25th birthday, as follows:
 - a. Sole occupation by a care leaver of 100% of residual balance of Council Tax payable after the award of any other discount relief or exemption.
 - b. Where a care leaver is jointly liable a proportionate award will be made according to their individual circumstances, e.g. if there is one other occupier then a discount of 50% will apply.
 - c. Where the care leaver is not liable for Council Tax no discount will apply.
- Discounts awarded will be subject to annual review to determine continued eligibility.
- The Scheme may be varied or ended on 12 months' notice on a decision by the Council.

5.6 The Council Tax Discount for Care Leavers will only be applied after all other relevant discounts (including Council Tax Support (CTS)) and exemptions have been applied. Where these other discounts and exemptions do not cover the full Council Tax charge, then under this scheme the qualifying care leaver will receive this further support.

6. Decision making and appeals

6.1 Where information or evidence requested has not been received within a calendar month of the application being received by the Council, the Council may refuse to grant relief where the absence of this information and evidence prevents an informed decision being reached.

6.2 Decisions on eligibility for a discount will be made by senior Revenues staff.

6.3 The amount of discretionary relief and period for which relief may be awarded will be at the Council's discretion and any amount granted will be credited to the council tax account.

6.4 The Council will notify the applicant in writing of the decision within 5 working days of the date of that decision. Where the applicant is unsuccessful, the Council will explain the reasons why the decision was made and explain the right of appeal.

6.5 There is a right to have the decision reviewed by the Revenues & Benefits Manager.

6.6 If still dissatisfied with the decision, an appeal can be made to the Valuation Tribunal. The Valuation Tribunal is independent of the Council and will consider the case at a hearing.

7. Overpayments

7.1 If the Council becomes aware that the information contained in an application for Section 13A (1) (c) Relief, was incorrect or that relevant information was not declared, either intentionally or otherwise, the Council may seek to recover the value of any award made as a result of that application. The award will be removed from the relevant council tax account and any resulting balance will be subject to normal methods of collection and recovery actions.

Agenda Item 10

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted