

**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL
RECORD OF EXECUTIVE / CHIEF OFFICER DECISION**

This form should be used to record key and other decisions made by individual Portfolio Holders and key decisions made by Chief Officers. The contact officer will ensure that the signed and completed form is given to Democratic Services as soon as reasonably practicable after the decision has been taken.

Unless permission has been obtained from the Chairman of Council and the Chairman of the Scrutiny and Overview Committee that this decision be treated as a matter of urgency under Rule 12.19 of the Scrutiny and Overview Committee Procedure Rules, this decision will come into force, and may then be implemented, on the expiry of five working days after the publication of the decision, unless called in under Rule 7 of the Budget and Policy Framework Procedure Rules or Rule 12 of the Scrutiny and Overview Committee Procedure Rules.

Portfolio	Lead Cabinet member for Housing
Subject Matter	Waiver of local land charge where a Disabled Facility Grant has been provided
Ward(s) Affected	All Wards
Date Taken	Friday, 7 September 2018
Contact Officer	Julie Fletcher, Head of Housing Strategy 01954 713352; email: Julie.Fletcher@scambs.gov.uk (julie.fletcher@scambs.gov.uk)
Date Published	Friday, 7 September 2018
Call-In Expiry	Friday, 14 September 2018
Key Decision?	No
In Forward Plan?	Yes
Urgent?	No

Purpose / Background
<p>The purpose of this decision is to consider the waiver of local land charges which are registered against properties where a Disabled Facilities Grant has been awarded (specific details of which are contained within a confidential report).</p> <p>Since 1990, local housing authorities have been under a statutory duty to provide grant aid to disabled people for a range of adaptations to their homes. This grant aid is means tested for adults (not for children), with maximum grants of up to £30,000.</p> <p>Under the Housing Grants, Construction and Regeneration Act 1996: Disabled Facilities Grant (Conditions relating to approval or payment of Grant) General Consent 2008, the Council can place a limited charge against owner occupied properties in order to recoup costs over £5,000, with a maximum charge of £10,000. The charge is repayable upon disposal of the property (sale, assignment or transfer) within 10 years of the certified date.</p> <p>The legislation states that a local authority must consider the following before it can demand repayment:</p> <ul style="list-style-type: none"> i) the extent to which the recipient of the grant would suffer financial hardship were he to be required to repay all or any of the grant; (ii) whether the disposal of the premises is to enable the recipient of the grant to take up employment, or to change the location of his employment; (iii) whether the disposal is made for reasons connected with the physical or mental health or well being of the recipient of the grant or of a disabled occupant of the

premises; and

- (iv) whether the disposal is made to enable the recipient of the grant to live with, or near, any person who is disabled or infirm and in need of care, which the recipient of the grant is intending to provide, or who is intending to provide care of which the recipient of the grant is in need by reason of disability or infirmity

is satisfied that it is reasonable in all the circumstances to require the repayment.

Attached as Appendix A is a confidential report outlining the reasons why the Lead Cabinet Member for Housing is asked to consider whether it is appropriate to waive the local land charge in respect of the four applications received.

Declaration(s) of Interest

Record below any relevant interest declared by any executive Member consulted or by an officer present in relation to the decision.

None

Dispensation(s)

In respect of any conflict(s) of interest declared above, record below any dispensation(s) granted by the Council's Standards Committee.

None

Consultation

Record below all parties consulted in relation to the decision.

Not applicable due to personal nature of the decision.

Other Options Considered and Reasons for Rejection

Option 1: To refuse the request to waive the charges upon sale of the properties.

Reasons for Rejection: Reasonable reasons for refusal must be given in each case as the Council could be legally challenged for failing to do so.

Final decision	Reason(s)
Applicant 1 – To approve the request to waive the local land charge of £5,039.27 as specified in the confidential report at Appendix A.	Under criteria i) and iii) set out in the legislation it was agreed that it is reasonable to waive the local land charge in this instance to support the family financially in order to help them move to a more suitable property.
Applicant 2 – To approve the request to waive the local land charge of £9,328.16 as specified in the confidential report at Appendix A.	Under criteria i) and iii) set out in the legislation it was agreed that it is reasonable to waive the local land charge in this instance to support the family financially in order to help them move to a more suitable larger property.
Applicant 3 – To refuse the request to waive the local land charge of £10,000 as specified in the confidential report at Appendix A.	Consideration was given to this request under criteria i) of the legislation. However, it was agreed that the applicant would not suffer financial hardship as a result of repaying the local land charge and therefore it was considered reasonable to seek repayment.
Applicant 4 – To approve the request to waive the local land charge of £10,000 as specified in the confidential report at	Under criteria i) set out in the legislation it was agreed that it is reasonable to waive the local land charge in this instance due to the

Appendix A.	applicant having to move and requiring a suitably adapted property.
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Signed	Name (CAPITALS)	Signature	Date
Portfolio Holder	Signed copy available upon request from Democratic Services (democratic.services@scams.gov.uk)		
Chief Officer			

Further Information
<i>Confidential report attached at Appendix A.</i>