

**South Cambridgeshire District Council
Record of Executive Decision**

This form should be used to record key and other decisions made by individual Lead Cabinet members. 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.

A key decision shall not be taken unless notice of the item has been published at least 28 days before the decision is to be taken except where:

- a General Exception notice has been published under Rule 15 of the Access to Information Procedure Rules and the Chairman of Scrutiny and Overview Committee has been informed in writing; or
- a Special Urgency notice has been published under Rule 16 of those Rules and the Chairman of Scrutiny and Overview Committee has agreed the decision is urgent.

Unless permission has been obtained from the Chairman of Council and the Chairman of the Scrutiny and Overview Committee that this decision may 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. Where consent has been obtained to exempt the decision from call-in, this will be specified below.

Lead Cabinet Member	Lead Cabinet member for Housing
Subject Matter	Waiver of grant repayment and Land Charges relating to a Disabled Facilities Grant & Top-up Grant
Ward(s) Affected	All Wards
Date Taken	Friday, 29 October 2021
Contact Officer	Julie Fletcher, Head of Housing Strategy 01954 713352 (julie.fletcher@scamb.gov.uk)
Date Published	Friday, 29 October 2021
Call-In Expiry/Exempt from call-in	Friday, 5 November 2021
Key Decision?	No
In Forward Plan?	No
Urgent?	No

Purpose / Background
<p>A request has been received for the Council to consider the waiver of the repayment of a disabled facility grant and a discretionary top-up grant upon sale of the property.</p> <p>The grant was awarded in 2020 and works were completed later in that year. As part of the grant conditions, the Council may seek repayment of the total grants paid if the applicant moves within five years of the grant, unless it is deemed reasonable to move within that period.</p> <p>A local land charge has also been registered against the property in relation to the mandatory disabled facility grant. 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>

The legislation states that a local authority must consider the following before it can demand repayment:

- 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

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

In this case, a further land charge was also placed on the property relating to the discretionary top-up grant, which is not time limited.

The Lead Cabinet Member for Housing is asked to consider whether it is appropriate to waive the repayment of the grant and the local land charges in respect of the application 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 approve the request to waive the repayment of the total grant and the land charges.

Reasons for Rejection: The Council has a duty to protect the public purse and in this case it would be an inappropriate use of financial resources if the Council did not seek to reclaim some of the grant.

Final decision	Reason(s)
Agree not to seek repayment of the full grant allocation, but to refuse the request to waive the land charges upon sale of the property.	In considering the information provided, on balance, whilst it is considered reasonable for the family to move away from the area for a better quality of life, the provision of the grants was not to provide financial betterment for the household. It is considered that there are more affordable options available to avoid financial

	hardship if the land charges were repaid.
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Signed	Name (CAPITALS)	Signature	Date
Lead Cabinet Member	Signed copy available upon request from Democratic Services (democratic.services@scambs.gov.uk)		
Chief Officer			

Further Information