

TONBRIDGE & MALLING BOROUGH COUNCIL

COUNCIL

24 October 2023

Report of the Director of Planning, Housing and Environmental Health

Part 1- Public

Matters For Decision

1 DISABLED FACILITIES GRANT FUNDING

1.1 Summary

The Council has five cases where the cost of the mandatory Disabled Facilities Grant eligible adaptation works exceed the limit of £30,000 and in accordance with the Council's adopted Housing Assistance Policy a discretionary Disabled Facilities Grant can be approved to top-up the mandatory DFG by up to a maximum of £30,000 to allow the adaptation works to proceed. Within the Council's Capital Plan for 2023/24 there is no spend allocated to the Discretionary Disabled Facilities Grant budget. This report seeks Council approval for a virement of £150,000 from the mandatory to the discretionary Disabled Facilities Grant budget.

1.2 Background

- 1.2.1 Funding for all Disabled Facilities Grants (DFGs), mandatory and discretionary, comes from the Better Care Fund, which is awarded to the Council by the Department for Levelling Up, Housing and Communities (DLUHC) to fund adaptations to enable disabled persons to live healthily and independently or with family members in their household in their own homes.
- 1.2.2 DLUHC guidance on DFG delivery states "where an authority has a locally published Housing Assistance Policy under the Regulatory Reform (Housing Assistance) (England & Wales) Order 2002, authorities do have discretion to top up amounts above the DFG £30,000 limit per applicant. Where an authority has not used this discretion within their policy they will still need to give due consideration to exceptional cases".
- 1.2.3 The Council already have an adopted Housing Assistance Policy published in November 2022, which includes a discretionary DFG for topping up those mandatory DFG amounts of £30,000 by up to a further maximum of £30,000 where extensive adaptation works are needed.
- 1.2.4 The five cases the Council is currently processing where works are above the £30,000 threshold are for children. It is important to note that the works being

carried out fall under the mandatory element of DFG work and have been assessed as being necessary and appropriate to meet the needs of the disabled occupant, and that it is reasonable and practicable to carry out the relevant works having regard to the age and condition of the dwelling. Other sources of funding for these works will have been explored and also other housing options e.g. moving home considered before the discretionary top-up is utilised.

1.3 Legal Considerations

- 1.3.1 The Council has a mandatory duty to deliver adaptations through the Disabled Facilities Grant scheme under the provisions of the Housing, Grants Construction and Regeneration Act 1996. Whilst it is able to offer additional discretionary assistance as provided for in the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002, such discretionary schemes must not disadvantage a person eligible to receive assistance under the mandatory scheme and the Council is required to publish a Policy on how it intends to use the powers under the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 to provide housing assistance.

1.4 Financial and Value for Money Considerations

- 1.4.1 The mandatory DFG budget for 2023/24 is £2,203,000 which is funded from the Better Care Fund and roll over from previous years. Spend to date on mandatory DFGs and commitment in 2023/24 is £920,000 however not all commitment may realise into actual spend within the year due to contractor availability/applicant choices etc. There is no spend allocated to the discretionary DFG budget. It was agreed by the Council in 2016 the budget for such discretionary DFG works in any one year will be limited to the amount by which the grant allocation, exceeds the budgeted mandatory DFG spend. I can confirm that proposed budget for discretionary DFG spend in this report is within the terms previously agreed.
- 1.4.2 On 07 September 2023 we were notified of a further £117,298 DFG funding to be allocated in year. We also know that funding for 2024/25 will continue at least at the level we had in the main allocation for this year (£1,344,236 minus agreed KCC top up for equipment etc.).
- 1.4.3 The £150,000 proposed funding for virement to the discretionary DFG budget is already available within the existing mandatory DFG budget and does not require any new funding.
- 1.4.4 The Council's Constitution sets out the limits for transfer of budgetary provision from one area of revenue or capital income/expenditure to another in order to finance spending in an area by using a saving in another area - known as a virement. The approval limit for the Executive is £50,000 hence this report into Council for decision.

1.5 Recommendations

- 1.5.1 To **APPROVE** the virement of £150,000 from the mandatory DFG budget for the 2023/24 financial year to the discretionary DFG budget on the capital plan.

Background papers:

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Nil

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