

General Purposes and Arbitration Committee

7 December 2020 at 6.00 pm

Present: Councillor Dhallu (Chair)
Councillor Z Hussain (Vice Chair)
Councillors E A Giles, Melia and Millar

Officers: Neil Cox, Director Prevention and Protection, Stuart Hall, Home Improvement Manager, Shane Parkes, Democratic Services Officer and Deborah Breedon, Democratic Services Officer.

Present: The Appellants - Mrs R & Mrs O.

4/20 **Apologies for Absence**

Apologies for absence were received from Councillor P M Hughes.

5/20 **Minutes**

The minutes of the meeting held on 30 June 2020 were agreed as a correct record.

6/20 **Exclusion of the Public and Press**

The Chair moved that the public and press be excluded from the rest of the meeting to avoid the possible disclosure of exempt information under Schedule 12A to the Local Government Act 1972 as amended by the Local Government (Access to information) (Variation) Order 2006, for the reasons set out in the reports'.

Matter Delegated to the Committee

7/20 **Appeal Against a Decision not to waive repayment conditions attached to a Disabled Facilities Grant**

A decision was sought regarding an appeal against the decision of the Director – Adult Social Care in respect of the repayment conditions attached to Disabled Facilities Grants.



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The Director of Prevention and Protection advised the Committee that on 12 July 2013 Mrs G applied for a Disabled Facilities Grant to carry out adaptations to her home. The grant award was £17,040.00 and after all submitted invoices were paid the revised grant award was £16,648.40.

10-year repayment conditions were attached to the grant award and were secured as a local land charge. This meant that if the property were to be sold within 10 years of the grant certification date, part of the grant award was required to be repaid to the Council. If the property was sold before 17 December 2023 the amount of £10,000 was to be repaid.

The Council was advised that the Mrs G had passed away in 2016 and her husband had passed away in September 2019. The beneficiaries of the estate had decided to sell the property and stated that the sale price was £140,000.

The beneficiaries of the estate appealed the repayment of the grant in August 2020. The reason for the appeal was that the family thought that Mrs G did not understand the grant and the repayment conditions due to possible issues with dementia and that there was only three years left till the expiry of the 10 year repayment conditions.

On 15 September 2020 the Director of Adult Social Care rejected the appeal to waive the repayment conditions and provided the following explanation.

- Based on the information provided, the Director of Adult Social Care had considered the extent the recipients of the grant, the beneficiaries, would suffer financial hardship if they were required to repay all or any of the grant and was satisfied that it was reasonable to require the payment. The appeal was therefore refused.

On 15 October 2020 the Council received an email confirming that the beneficiaries of the estate wished to appeal the decision of the Director of Adult Social Care.

The Committee heard that at the time the application was made the occupational therapist stated that there was no formal diagnosis of dementia. If Mrs G had been diagnosed with having dementia a Power of Attorney would be needed and the signatory would have had to sign the application.

The Committee was advised that the application was a long form and a case worker usually went through the application form with the applicant explaining it in full.

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The beneficiaries commented that Mr G had been present when the application was made, however he had never mentioned to the family that there would be anything to be repaid.

The Committee adjourned to make the decision.

Having considered all the information before them, the General Purposes and Arbitration Committee were minded to reject the appeal and uphold the decision of the Director of Adults Social Care.

The Committee was satisfied that the correct procedure had been followed at the time of the application and that the beneficiaries of the estate would not suffer financial hardship if required to repay all of the grant.

Agreed that the General Purposes and Arbitration Committee reject the appeal and uphold the decision of the Director of Adults Social Care.

Meeting ended at 6.53 pm with adjournment between 6.40 – 6.48 pm

[To view the meeting click here](#)

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