

Support Notes on Commissioner's Advice Housing Costs: General

1. General Principles for interpreting the housing costs exclusions

No support notes.

2. The meaning of the generic category of "housing costs"

No support notes.

3. Mobile accommodation

When considering an application for a tent, it is important to distinguish between an item that is intended to be the person's dwelling place (such as a tent on a campsite), and an item that is merely a "portable shelter". The latter would cover such items as a "one touch" tent, which a person sleeping rough might want in order to protect himself from the elements. It would be stretching the meaning of the words too far to say that such a tent would be the person's "dwelling place" or that the money for it would be "the cost of his accommodation." A tent needed in these circumstances would therefore not be a housing cost.

4. Charges for accommodation

No support notes.

5. Expenses associated with securing accommodation

No support notes.

6. Repairs and improvements

Is the repair or improvement to the dwelling occupied as the home?

Chattels are items of personal property, and may include items such as gas fires (which can be disconnected from the mains), washing machines, free-standing wardrobes, carpets, and cookers.

Chattels may become fixtures if they become annexed or attached to the land for the permanent or substantial enjoyment of the land. There is a presumption in law that if a chattel is affixed to the land even slightly it will become a fixture. The greater the degree of annexation, and the more difficult it would be to remove the item without damage to itself or the property, the more likely it is that the item will be considered a fixture.

However, the purpose of the annexation is the most important consideration. If the item is affixed to the land for the permanent and substantial improvement of the dwelling it will become a fixture. The purpose of the annexation is inferred from all the circumstances. The assessment is an objective one. It does not depend on the actual intention or motive of the person fixing an item to the land.

Fixtures may include items such as boilers, baths, showers, tiling, sinks, fitted cupboards and bookshelves, and light fixings.

Aids and adaptations

The real issue in cases involving, for example, stair-lifts or other disability aids is often whether it is possible that some other person or body may wholly or partly meet the need (Section 140(1)(c), SSCBA, 1992) or (for CCGs) whether a local authority has a statutory duty to meet the need (Direction 29(b)).

Measures for protecting the dwelling occupied as the home

No support notes.

7. Board and lodging charges

“Digs”

The term “digs” or “dig money” is often used by applicants to describe their need. It is not precisely defined, however, and could refer to a variety of different needs:

- board and lodging charges;
- money paid to the family for keep;
- rent and food;
- another word for rent.

In CCG cases it is not important to decide between these options, since all of them would be excluded by Direction 29. However in CL cases it can make a difference. Board and lodging charges and money paid to the family for keep are not excluded, because of the exception in Direction 23(2)(f)(iii). Rent, on the other hand, is excluded (unless it is rent in advance payable to secure fresh accommodation where the landlord is not a local authority – see Direction 23(2)(f)(ii)). This is a question that Inspectors will decide on the evidence before them in each case. Inspectors should generally interpret any ambiguity in the evidence in favour of the applicant.

8. Travelling expenses and overnight accommodation

No support notes.

9. Holiday accommodation

Inspectors should continue with the current approach that holiday accommodation is not excluded as a housing cost. However, this is a matter that is being looked into, and which is being raised with the Department.