

Bolsover District Council

Customer Service Scrutiny Committee

2nd August 2021

Briefing on Council-owned Adapted Accommodation

Report of the Head of Housing Management and Enforcement

Classification: This report is public

Report By: Victoria Dawson

Contact Officer: Victoria Dawson

PURPOSE / SUMMARY

To provide information to Committee Members regarding the supply, management and allocation of Council owned adapted accommodation with a view to undertaking a review on this issue.

RECOMMENDATIONS

1. As per the recommendation agreed by Exec on 26th April 2021 Members are asked to consider taking forward a review of council owned adapted accommodation for the 2021/22 municipal year.

Approved by the Portfolio Holder – Cllr Sandra Peake

IMPLICATIONS

Finance and Risk: Yes No

Details:

There are no direct financial implications arising from this report. The budget for disabled adaptations on Council owned properties, where the cost is greater than £10,000, is already included in the approved Capital Programme. Where the cost is less than £10,000, the cost will be met from the HRA approved budgets. Where disabled adaptations are carried out on privately owned properties the cost will be met from the disabled facility grants budget, also already contained within the approved Capital Programme.

On Behalf of the Section 151 Officer

Legal (including Data Protection):

Yes

No

Details:

As in the report.

On Behalf of the Solicitor to the Council

Staffing:

Yes

No

Details:

There are no direct staffing implications from this report. Any staffing implications arising from a Scrutiny review, will be subject to further reports at a later date

On behalf of the Head of Paid Service

DECISION INFORMATION

Decision Information	
Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: BDC: Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input checked="" type="checkbox"/> NEDDC: Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No
District Wards Significantly Affected	None
Consultation: Leader / Deputy Leader <input type="checkbox"/> Cabinet / Executive <input type="checkbox"/> SAMT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/>	Yes Details: Portfolio Holder

Links to Council Ambition (BDC)/Council Plan (NED) priorities or Policy Framework including Climate Change, Equalities, and Economics and Health implications.

Customers - Providing good quality council housing where people choose to live

REPORT DETAILS

1 **Background** *(reasons for bringing the report)*

- 1.1 In April 2021 a report was presented at Executive which provided information on the supply, management and allocation of Council-owned adapted accommodation following approaches by applicants seeking family units. A copy of the report is at **Appendix 1**.
- 1.2 The report was noted and it was agreed that the matter be put to the Healthy Safe, Clean and Green Communities Scrutiny Committee for Review. As Housing now falls within the remit of the Customer Services Scrutiny Committee, it is before members of this committee for consideration.
- 1.3 As this has come via an executive recommendation as opposed to a suggestion at the Scrutiny Conference I attach at **Appendix 2** a Topic review form which may be of assistance to members.

2. **Details of Proposal or Information**

- 2.1 In terms of defining what is a disabled adapted property we have sought guidance from the Council's legal department and following the Housing Act 1985 and the Right to Buy legislation as a disabled adapted property is exempt the right to buy.
- 2.2 MHCLG guidance on Right to Buys dated April 2021 states *“Housing for the disabled’ means a property that is one of a group and has features that are substantially different from those of ordinary dwellings and with special facilities that are provided nearby.”*
- 2.3 The relevant section is part 7 of Schedule 5 to the HA 1985 which states, *“ The right to buy does not arise if the dwelling-house has features which are substantially different from those of ordinary dwelling-houses and are designed to make it suitable for occupation by physically disabled persons, and—
(a) it is one of a group of dwelling-houses which it is the practice of the landlord to let for occupation by physically disabled persons, and
(b) a social service or special facilities are provided in close proximity to the group of dwelling-houses wholly or partly for the purpose of assisting those persons.”*
- 2.4 We have 55 fully disabled adapted properties, designed for tenants with disabilities. There are 6 x 2 bed flats, 35 x 2 bed bungalows and 14 x 3 bed bungalows. In addition we have a significant number of larger properties

with significant adaptations which make them suitable for people with disabilities. These are set out in geographical area at **Appendix 3**. (Note the Executive report referred to 41 2 bed bungalows when in fact 6 were flats)

- 2.5 As set out in the executive report at Appendix 1 in addition to existing stock we have purchased properties as part of affordable housing provision through a S106 Agreement. As a result of working with Derbyshire County Council Occupational Therapists a specific demand for a family disabled adapted unit was identified and we were able to secure a three bed roomed adapted bungalow for the family.
- 2.6 We are continually looking to increase the supply of family sized adapted accommodation and are in a privileged position to be able to shape and design such units through our Bolsover Homes development schemes. As a result of our regular work with the Occupational Therapists demand for some units has been identified and as a result of which we are proposing to build more family sized adapted units as part of the ongoing developments. Whilst still subject to planning we are proposing to have fully adapted 3 bed bungalows in Shirebrook, a 3 bed bungalow in Clowne, and a 3 bed Bungalow in Langwith.

Adapted properties

- 2.7 We are often asked to make adaptations to a person's home, and council property to make it more suitable for them to live in. The executive report at appendix 1 gives a detailed explanation as to how we liaise with Derbyshire County Councils Occupational Therapists to ensure the right equipment is provided.
- 2.8 Sometimes the work is so significant it could potentially mean the property should be considered as fully adapted and so the categorisation on our housing system would need to change.
- 2.9 We have recently commenced a piece of work at officer level to agree a set of principles that we feel reflect our practice in terms of what significant adaptations mean. To look at what decision making process should follow if it means that the property is no longer considered general needs adapted stock. This is important as it means it would most likely be exempt from the Right to Buy legislation but also the way in which we allocate disabled housing stock is different.
- 2.10 We would continue to have minor adaptations to general needs stock, for example we regularly undertake installation of the following;
- Level Access Shower Tray (LAS)
 - Raking rails
 - Ramp
 - Half step
 - Door widening
 - Hardstanding
 - Stair lift
 - Over bath shower

All of which are relatively minor, Level Access Shower Tray, Stair Lift and over bath shower can all be easily removed and none of the above would prevent any person without a disability from wanting to remain at the address.

- 2.11 We are proposing that where we undertake major adaptations, those which significantly affect the design of the building and this could lead to re categorisation. Those we undertake regularly are below;
- Wetroom
 - Ceiling Track Hoist (CTH)
 - Closomat toilet (wash dry toilet)
 - Through floor lift
 - Adapted kitchen

Whilst all of these adaptations do make a property more specialist, a CTH and wash dry toilet could be removed.

- 2.12 We propose, where we undertake 3 or more of these more major adaptations or where there is one element with a value of over £15,000, we would discuss this at the internal officer welfare meeting for agreement that it now sits in the 'disabled adapted property' category. A recommendation would then go to the Housing Stock Management Meeting for member approval to change categorisation on the system. We fully accept that whilst this is a set of principles to work to each case would need to be treated on its own merits.
- 2.13 What is important to note is that the fact we internal categorise as disabled adapted stock for management of allocations doesn't mean the property is exempt from the right to buy. Where we had made substantial adaptations we would look to refuse the application but this is open to legal challenge.
- 2.14 There is also some occasions where we removed adaptations which mean a property would no longer be classed as disabled adapted on the housing system and would be put back in General Needs stock. We are proposing any decision to move a properties categorisation follows the same process, in terms of officer agreement before being presented to the Housing Stock Management Group.
- 2.15 As a result of the work the officer group has undertaken we believe we have identified a number of properties that may meet this criteria and a formal assessment will need to take place to determine if these need to be re categorised. These are also set out in Appendix 2 but in summary we have 11 x 3 bed houses, and 3 x 4 bed houses.

Allocation

- 2.16 The Council's Allocation Policy provides for a set of 'rules' that govern how the Council assesses applications to the housing register. This is to ensure we make the best use of the housing owned by the Council to allocate properties that meet the needs of applicants and give priority to those in most need. Again, more detailed information is given within the Executive report as to how this is carefully managed. Largely by the Housing Application Review Panel which ensures that allocation of properties is managed fairly and transparently.

3 Reasons for Recommendation

3.1 Executive recommendation based on officer report received.

4 Alternative Options and Reasons for Rejection

4.1 Under the Councils Constitution, Scrutiny Committee's work plan's shall include matters on which there are requests from the Executive for advice.

DOCUMENT INFORMATION

Appendix No	Title
1	Executive Report 26 th April 2021
2	Topic Review Form
3	List of properties
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	