

Review of low demand Sheltered Accommodation

Report of the Corporate Director of Housing

1. Purpose of Report and Summary

There is a growing elderly population in the City, and a growing number of frail elderly. Patterns of care have changed and most older people prefer to receive health care and social support in their own homes. In this context the demand for the Council's own Sheltered Accommodation is falling, although individual schemes remain popular and some have a waiting list.

In the last year a number of initiatives were taken to increase demand for the sheltered accommodation. There are, however, schemes where there is still low demand and the report describes the implications of considering their closure. Members should note that during the period that this report was being put together the Department received a Petition from Councillor Getliffe (30/7/03) with 581 signatures (although only 4 signed themselves as being residents of William Smith House) under the following terms:

"We the undersigned tenants together with the community in and around William Smith House, Beaumont Leys call on the ruling Cabinet and the Council to reject moves to dispose of the property by any means therefore depriving us of our homes. We further call upon the Council to invest resources and come forward with a means of ensuring our futures and those members of the community who will benefit from the facilities provided in William Smith House in the future".

2. Views of Housing Scrutiny Committee

Housing Scrutiny considered the attached report and the petition. It was resolved

- (1) that the petition be notes; and
- (2) that the Cabinet be informed that the Scrutiny Committee supported the proposals for the closure of Lily Marriott House, and William Smith House.

3. Recommendations for Cabinet

3.1 To consider the Report and comments from the Housing Scrutiny Committee and indicate whether, either or both Lily Marriott and William Smith House Sheltered Accommodation Schemes should be closed.

3.2 If either or both schemes are to close:

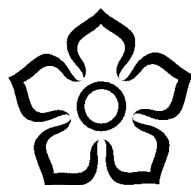
- (i) Agree that residents receive highest priority for rehousing and are paid statutory homelessness payment, their removal expenses and practical assistance with moving
- (ii) Indicate whether William Smith House should be made available for letting to people with Learning Disabilities.
- (iii) Indicate whether a further report should be brought back on the future uses of Lily Marriott House.

4. Report Authors:

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 Legal Implication - David Jones, Property Team Leader (Resources, Access & Diversity)
 Financial Implications – Rod Pearson, Head of Finance (Housing)

DECISION STATUS

Key Decision	Yes
Reason	Significant effect on two or more wards
Appeared in Forward Plan	Yes
Executive or Council Decision	Executive (Cabinet)



Leicester
City Council

Cabinet

22nd September 2003

Review of low demand Sheltered Accommodation

SUPPORTING INFORMATION

1. Background

There is a growing elderly population in the city and a growing number of frail elderly. Patterns of care have changed and most older people prefer to receive healthcare and social support in their own homes. In this context the demand for the Council's sheltered accommodation is falling. Falling demand for sheltered accommodation is a national issue. Many local authorities have much larger provision than Leicester and face much larger problems of low demand.

The Council's 17 sheltered schemes were largely built in the late 1960's and early 1970's. The idea at the time was that people would move from family size homes into sheltered and then from sheltered to residential care if they became frail. This has changed with the growth in owner occupation and care in the community. The approach now is to support people in their own homes, using short stays in Intermediate Care if needed for health reasons.

A new concept of **Extra Care** has also been developed. These schemes are like the Council's sheltered schemes in that they are places where people have their own independent tenancies. However, there is 24 hour health and social care on site and, most importantly, accommodation is in one bedroom flats built to be fully wheelchair accessible. Often meals are available on the premises in a café style environment.

The Council has made improvements to its own sheltered housing over the last few years. Lifts have been installed in most of the sheltered schemes and there is capital programme provision for improvements to corridors, common areas and the grounds.

However, the individual units are too small to be fully adapted. Most are bed sitting rooms and the bathrooms are particularly small. Discussions between Housing and Social Care and Health Departments about the possible pilot conversion of part of a sheltered scheme to Extra Care concluded that the buildings were not suitable without very extensive conversion. The two Departments agree that Leicester needs Extra Care provision and Social Care and Health Department are working with the new Supporting People team to identify the likely level of demand. A specialist provider (possibly a Housing Association) would be best placed to raise the necessary capital and organise and manage the required mix of health, social and housing care and support. Officers are therefore working on three related projects, which are: -

1. Addressing the **falling demand** within the Council's own sheltered accommodation. This report addresses that issue now in order to address the costs of vacancies.
2. Identifying the need for, and ways to provide **Extra Care** accommodation in the city. This will be reported on later this year.
3. **Reviewing the way care and support is provided in the Council's sheltered schemes.**

Supporting People now finance the housing related care element of many of the sheltered schemes in the city (e.g. in the Council's scheme they fund the Sheltered Housing Officers). The Council is only one provider. **Supporting People** will assess citywide demand and **review all sheltered schemes during 2004**. As a provider, the Council needs to consider the way care and support is provided to existing sheltered tenants. This work is underway. There is an ongoing programme of capital investment. Social Care and Health are looking at the way community care packages are delivered to tenants of schemes. There will be further discussions with Supporting People about the level of support that Sheltered Housing Officers are currently funded to give.

2. **Falling Demand in the Council's Sheltered Accommodation**

The Council runs 17 sheltered housing schemes, which have a total of 478 flats and bed sits let as individual secure tenancies to older people.

Tenants surveys show that **security and company are the key reasons for wanting to live in sheltered schemes**. Many schemes are very popular and tenant satisfaction, in those schemes is high.

In 2001/2002 the overall vacancy rate was 8.5% (number of void weeks as % units x 52 weeks).

3. The following initiatives were taken to increase overall demand.

- New promotion material distributed widely.
- Regular advert in Link for particular schemes
- Sheltered Housing promoted on the Council's website.
- Capital programme investment in upgrading schemes: showers, corridor improvements, lifts
- Programme of activities in schemes organized by HAZ Outreach Worker.
- Regular tenant magazine "Reach Out"
- Conversion of ex-staff homes into new flats, including wheelchair adapted flats.

- Securing charitable funds for equipment in lounges including: music centres and Aladdin units to help with poor sight, talking weight scales, a garden shed and garden improvements
- Reduction of age criteria to 50.
- Securing SRB funds for fencing, locks, hearing equipment and games.
- Regular meetings of Sheltered Tenants Forum

4. As part of the Learning Disability Housing Strategy nine units at William Smith House were identified as suitable for letting to a new client group (People with Learning Disabilities) and conversion was planned to take place in 2003/04.

5. Appendix 1 shows the current position with vacancies and vacancies over the past year. During 2002 – 2003 the overall void rate increased to 10.1% (number of void weeks as % of units x 48 weeks). The rent loss was £188,000. Council Tax is now payable at 50% on domestic properties vacant for more than 6 months. The cost to the HRA on this level of voids will be c£14,500 p.a.

The appendix shows that persistent voids are clustered in five schemes. It is clear that low demand is a more intractable problem at the following schemes.

Scheme	Current Void (11/4/03)	No. of void weeks last year	Number of Tenants	Cumulative No's of tenants to rehouse if closed	Cumulative vacancies elsewhere
William Smith	12 (3) plus staff house	538 (106)	14	14	47
Lily Marriott	8 (live in staff)	294	18	32	39
Bowder	7 (plus staff house)	281	17	49	32
Frederick Thorpe	7 (plus staff house)	217	20	69	25
Barnett Janner	4	374	29	98	21
Total vacancies	38				

6. Analysis

- There are sufficient vacancies (59) within the sheltered stock to allow the closure of two schemes and offer rehousing within other schemes to all displaced tenants.
- If William Smith and Lily Marriott were closed it would mean relocating 32 tenants. This would reduce vacancies elsewhere to 3%.
- William Smith House is one of three units in Beaumont Leys (Barnett Janner and Oronsay). Both had low demand throughout the year, and eight current vacancies that could be offered to those wanting to stay in Beaumont Leys.
- Lily Marriott House is in Gilmorton. It is relatively remote. The nearest schemes are Rupert House(Eyres Monsell) and Frederick Thorpe House (Saffron) both of which could offer vacancies.
- Staff issues: Two less Sheltered Housing Officer posts would be required. There are currently two vacancies covered by temporary staff. Consultation with staff would be conducted under agreed procedures. Lilly Marriott has a live-in Sheltered Housing Officer.
- Sheltered Housing Officers are funded through Supporting People who would need to be involved in discussions on the withdrawal or reconfiguration of services.

7. Implications of closing a sheltered housing scheme.

Tenants are on assured or Introductory Tenancies. They do not have the Right To Buy.

Tenants will be eligible for homeloss payments (which will rise to £3,000 from September) plus removal expenses and disturbance allowances. The Department would arrange packing and practical help with the move.

Tenants would have priority rehousing to all other sheltered schemes, one-bed flats and bungalows, once a decision to close was made. As at 11/4/03 there were 59 vacancies in Sheltered Schemes across the City. There are obviously concerns about requiring older people to move home, and there would need to be close liaison with the Social Care and Health Department, particularly for those with community care support.

8. Tenants Views

Lounge meetings were held at both schemes. All residents were seen individually. Ward Councillors were contacted. The 17 residents of Lily Marriott house are willing to move. Many welcomed the opportunity.

Feelings were more mixed at William Smith House and Ward Councillors have expressed concern. Most of the 12 residents are prepared to move, but there is still a small number who clearly state they do not want to.

However since writing the report the following petition has been received, which is drawn to the attention of Members:

“We the undersigned tenants together with the community in and around William Smith House, Beaumont Leys call on the ruling Cabinet and the Council to reject moves to dispose of the property by any means therefore depriving us of our homes. We further call upon the Council to invest resources and come forward with a means of ensuring our futures and those members of the community who will benefit from the facilities provided in William Smith House in the future”.

9. Future use of vacant schemes.

The following are being explored. The Units are generally in good repair, but accommodation is small and kitchens and bathrooms dated. New uses may require capital investment.

Option 1 Letting of the building by the Housing Department to people with low level learning disabilities either in current condition or with some small scale adaptation. The Social Care and Health Department has indicated that they are very interested in this option, and some funds for adaptations may be available from the Health Authority.

Option 2 Sale of the vacant building to a Specialist Housing Association to provide supported accommodation for either people with Learning Disabilities or for an Extra Care Scheme for the elderly. The Specialist provider may wish to alter or demolish the building. Officers from Housing, Social Care and Health Department and Supporting People are exploring these options.

Option 3 Sale of the site, before or after demolition for general residential or other development.

It is recommended that Option One is pursued for William Smith House, subject to suitable financial arrangements, as this use has already been agreed for part of the scheme. It is recommended that officers consider whether Lily Marriott House is suitable accommodation for either people with Learning Disabilities or an Extra Care scheme if it was disposed of to a specialist provider. It is proposed to bring a further report on the future use of Lily Marriott House that considers all three Options.

10. Financial Implications

The closure of Sheltered Units would have financial implications for both the HRA and the General Fund.

a. HRA

The effect would depend to a large extent on whether the existing tenants are relocated to other vacant HRA properties. Assuming they all are, and that the vacated properties are sold or otherwise removed from the HRA, the effects would be as follows (based on the closure of 52 units affecting 32 tenants).

	First Year £	Subsequent Years £
Increased Housing Subsidy	-	(54,000)
Reduced maintenance costs	(30,000)	(30,000)
Home Loss and Removal Payments	108,800	-
Lower Capital Resources (MRA)		26,000
Net Cost (Saving)	78,800	(58,000)

There would be a reduction of £26,000 pa in the Major Repairs Allowance, starting in the year following disposal, which would affect the Capital Programme.

Capital Receipts from the disposal of the units would normally be split 25% usable and 75% set-aside but there may be scope for the whole of any receipt to be reinvested under new provisions of the Capital Finance Regulations permitting the use of non-RTB receipts for Affordable Housing and Regeneration.

b. General Fund

The staffing and associated costs of Sheltered Housing are met from Supporting People Grant from April 2003. The effect of the closures would depend on:

- i. the relocation/redeployment of the staff affected and
- ii. negotiations with the SP Team on changes to the funding of the reduced service.

Homeloss would be payable to tenants who moved plus removal expenses.
(Rod Pearson, Head of Finance, Housing)

11. Legal Implications

Option 1

There is no set statutory consultation procedure under the Housing Acts with secure tenants in cases where the property is not to be transferred to a private landlord. If existing secure tenants were unwilling to vacate then a programme of adaptation work would almost certainly be insufficient to provide grounds under Case 10 of Schedule 2 of the Housing Act 1985. This ground is restricted to circumstances in which Council itself is intending within a reasonable time of obtaining possession to:-

- (a) demolish or reconstruct the building in which the property was situated or
- (b) to carry out work to the building

and it is impractical to undertake these without obtaining possession of the property. Relocation of secure tenants should be by negotiation and agreement. A secure tenant who is unwilling to vacate may invoke the provisions of the Human Rights Act 1998 in regard to respect for family and private life against the Council.

If lettings were to be made to individuals with learning difficulties then the capacity of those persons to understand the nature of the tenancy must be taken into account. It must also be established whether the Council has or intends formally to designate the properties as dwellings for the disabled as defined in Schedule 5 of the Housing Act. This is important because such properties are expressly excluded from the right to buy provisions.

Option 2

This transaction could fall within the provisions of the General Disposal Consents 1999 relating to property held for housing purposes but would depend upon the precise terms of the sale. The disposal would, however, need to obtain the best consideration under S.123 of the Local Government Act 1972 and be on the basis of vacant possession. If the disposal were to lie outside the General Consent for Disposal then an express consent would be needed from the Office of the Deputy Prime Minister under S.25 of the Local Government Act 1988.

Option 3

Any sale of the site prior to demolition would give rise to the issues mentioned under Option 1 because an intended demolition by a third party would not permit the Council to apply to the Court for possession under Case 10. A demonstrable intention by the Council to undertake such demolition itself within a reasonable time would give grounds to apply for possession. The outcome of any Court proceedings can, of course, never be guaranteed no matter the strength of the Council's case. The provisions regarding best consideration would nevertheless apply to a vacant possession sale unless an express consent was obtained.

In regard to all of the above options, it must be established in accordance with S.20 of the Compulsory Purchase Act 1965, S.10A of the Land Compensation Act 1961 and S.37 of the Land Compensation Act 1973 whether there is any entitlement to compensation and/or statutory and/or discretionary payments for disturbance to tenants who transfer to other property. (David Jones, Property Team Leader (Resources, Access & Diversity)

12. Other Implications

OTHER IMPLICATIONS	YES/NO	Paragraph References Within Supporting information
Equal Opportunities	No	
Policy	No	
Sustainable and Environmental	No	
Crime and Disorder	No	
Human Rights Act	No	
Elderly/People on Low Income	Yes	Throughout

13. Background Papers – Local Government Act 1972

Files held by Director of Housing.

14. Consultations

Social Care and Health Department. Legal Services. Supporting People. Residents. Ward Councillors. Residential Staff.

15. Aims & Objectives:

The Aim of the Housing Department is 'A decent home within the reach of every citizen of Leicester'. This report supports objective no 3 – "to reduce the number of empty homes".

16. Report Authors:

Ann Branson, Service Director, Housing Renewal & Options, Ext: 6802
Legal Implication - David Jones, Property Team Leader (Resources, Access & Diversity)
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Sheltered Housing Void Properties as at 11 April 2003

Scheme Name and Number	No. of Units	No. of vacant bed sits/flats as at 11 April 2003 in descending order	No. of void weeks – Week 1 to 48 – 2002 – 2003	Staff Accommodation	Tenants over 85 years
William Smith House	26 (17)*	12 (3)*	538* (106)	Vacant	1
Lily Marriott House	26	8	294	SHO living in	2
Bowder House	24	7	281	Vacant	0
Frederick Thorpe House	27	7	217	Vacant	3
Helena Roberts House	34	4	156*	Vacant	3
Barnett Janner House	33	4	374	SHO living	6
Oronsay House	26	4	187	Vacant	1
Rupert House	35	4	163	Converted to flats	3
Norfolk House	28	2	46	Converted to flats	
Cromwell House	26	2	82	SHO living in	1
Dudley House	26	1	11	SHO living in	1
Gumbrill House	28	1	48	Converted to flats	2
Bridges House	36	1	43	SHO living in	3
Irene Pollard House	26	1	19	SHO living in	2
Frederick Jackson House	28	1	82	Converted into flats	6
Bob Trewick House	25	0	100	None	3
John Minto House	33	0	117	Vacant	10

* 9 William Smith House properties are currently being held for use by Social Services. Figures in brackets exclude these nine and the staff house.

** Helena Roberts House properties were held for Social Services, now released as of 11 April 2003.