



Disabled Adaptation Works - 9 Pemberton Close, Lancing

Report by the Senior Building Surveyor, Adur Homes

1.0 Summary

- 1.1 The Council property at 9 Pemberton Close, Lancing was adapted for the current tenant's use in 2005 at a cost to the Council of £27,000 funded from the Housing Capital budget. The resident's circumstances have improved to the extent that improved access to the kitchen is required at an estimated cost of £16,000. This report asks the Cabinet Member for Improved Customer Services to consider and approve these additional adaptation works.

2.0 Background

- 2.1 Conversion work to the above property was completed in 2005 at a total cost of £40,000 including external funding of £13,000. This work was based on a resident carer being able to assist the tenant. Following reappraisal of the resident's improving condition by WSCC Occupational Therapists a further referral has been received to extend the bungalow and improve his access to kitchen facilities as he no longer requires the services of a resident carer.
- 2.2 The cost to construct a suitable extension is estimated to cost in excess of £25,000. The Council's building surveyor, together with the resident and WSCC Occupational Therapists have discussed suitable adaptations and arrived at an alternative, cost effective scheme to that originally proposed, This however requires major structural alteration in the existing property and the complete revision of the kitchen installed in 2005 at an estimated cost of £16,000.
- 2.3 An upper limit of £30,000 has been set by Government for mandatory Disabled Facility Grants(DFG). Adur Homes current policy for adaptations funded from the Housing Capital Programme has an identical maximum value but also states:

“Separate consideration is to be given to approving new referrals where adaptation work has previously been carried out and the cumulative value of all adaptation work exceeds the above limit within a five year period”

This extract from the policy is not part of the guidelines for DFG's and only occurs in the Adur Homes policy as a safeguard to ensure a review is undertaken to prevent multiple referrals being raised on a property to circumvent the threshold limit. There could be the possibility that if the work is not funded under the Adur Homes Capital programme that a DFG application might be successful.

If the additional work is executed the cumulative total of the Council's costs within the five year period is estimated to be £43,000. As this figure exceeds the threshold, special consideration needs to be given as to whether further works should be carried out.

- 2.4 No external funding is available for any further adaption work. Should work proceed then it will fall to the Housing Capital programme, which in the 2009/10 financial year has a total budget of £215,000 (excluding salary allocation) to adapt Council homes.

3.0 Proposals

- 3.1 The proposal is to undertake work to the kitchen area to allow access and use of all kitchen facilities by the resident at an approximate cost of £16,000 in accordance with WSCC Occupational Therapists assessments and referral.
- 3.2 The work, once completed will represent a total investment by the Council of approximately £43,000 to adapt this property plus external funding of £13,000 contributing to the earlier scheme. Legislation allows such a property to be classified as 'housing for the physically disabled that has been substantially adapted' and therefore could no longer be subject to Right to Buy.
- 3.3 The Contractor JG & JR Langridge has worked in this property before and is one of Adur Homes specialists in adaption work and has been instrumental in the design and costing of the proposed alterations. They have also gained the trust of the resident and are aware of all of his general needs. It is proposed to appoint this contractor to undertake work as soon as possible in order to expedite work for the residents early benefit and reduce the administration required to obtain quotations.

This action will require exemption from Adur District Council's Constitution (Part 4, page 104, paragraph 10.1 'Intermediate value contracts') which requires at least three written quotations to be invited.

4.0 Legal

- 4.1 Section 9 of the Housing Act, 1985 empowers the Council to alter, enlarge, repair or improve properties within it's housing stock.
- 4.2 Sections 24A to L of the Disability Discrimination Act, 1995 provides that the Council, as landlord, has a duty to take reasonable steps to change a policy, practice or procedure which makes it impossible or unreasonable for a disabled person to enter into a tenancy of the premises or enjoy an existing tenancy or to take reasonable steps to provide an auxiliary aid or service which could enable or facilitate the disabled person's enjoyment of the tenancy or make it easier for the disabled person to enter into the tenancy.
- 4.3 Section 24E of the Act provides that the Council is not required to take steps which include the removal or physical alteration of a physical feature of the premises
- 4.4 There is power under Contract Procedure Rule ("CPR") 38.0 for waivers to be granted in respect of CPRs and under 38.1(v) this can be referred to a Cabinet Member.

5.0 Financial implications

5.1 The work can be funded from within the 2009/10 Housing Capital programme.

6.0 Recommendations

The Cabinet Member for Improved Customer Services is recommended:

- (i) To approve the additional adaptation work at 9 Pemberton Close, Lancing;
- (ii) To remove the Right to Buy status of the property;
- (iii) To agree to a waiver of Contract Procedure Rule 10.1; and
- (iv) To appoint JG & JR Langridge to undertake work.

Local Government Act 1972

Background Papers:

- Full Cabinet: 25/11/08, item 14. Housing Capital budgets 2009/10
- Constitution Contract Procedure Rule 10.1
- Housing Capital Bid Sheet for 2009/10.

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Schedule of Other Matters

1.0 Council Priority

1.1 Support and contribute to the health, safety and well being of the area

- addressing inequalities
- empowering people to improve their quality of life
- encouraging a healthy life style

2.0 Specific Action Plans

2.1 Matter considered and no issues identified

3.0 Sustainability Issues

3.1 Matter considered and no issues identified

4.0 Equality Issues

4.1 Providing access & use of a home for a tenant with disabilities

5.0 Community Safety Issues (Section 17)

5.1 Matter considered and no issues identified

6.0 Human Rights Issues

6.1 Matter considered and no issues identified

7.0 Reputation

7.1 Matter considered and no issues identified

8.0 Consultations

8.1 WSCC Occupational Therapists & tenant

8.2 Establishing the most cost effective scheme to meet the day to day needs of the tenant.

9.0 Risk Assessment

9.1 There is no statutory duty on the Council to do what is proposed, although it is established practice agreed by previous Committees to consider adaptation work for tenants with disabilities and financial provision has been made in the Housing Capital programme for adaptations to Council Homes.

Should the work not be carried out the resident will not be able to access and use all the kitchen facilities.

10.0 Health & Safety Issues

10.1 Health & safety issues for the resident will be taken into account by the Main Contractor prior to work and checked and approved by the Building Surveying Section.

11.0 Procurement Strategy

11.1 See 3.3, 4.4 & 6.3 of the report.

12.0 Partnership Working

12.1 Matter considered and no issues identified