



Decision to be taken on or after Tuesday 26 November 2013

Ward: St Mary's

Key Decision: No

Proposed Disabled Adaptation

Report by the Executive Head of Adur Homes

1.0 Summary

1.1 This report asks permission to carry out disabled adaptation works at a cost of around £46,000 (subject to competitive tender).

2.0 Background

2.1 The property in question is a three bedroom end of terrace house built adjacent to a council garage compound. It was erected in the late 1960's. The space standards are generous compared to modern new build and the property is in a good state of repair and modernisation.

2.2 The family who reside at the property do so on a lifetime secure tenancy and have done so for 21 years. The family is made up of mother, father and two sons age 17 and 21 who are at work and college locally. Their mother does not see either son as leaving home in the near future. The father, referred to as Mr X for the purposes of this report has the disability.

2.3 Mr X's disability is the result of a stroke he suffered in 2012, this affected his right side and speech. He also lost the ability to read and write. His condition is unlikely to improve or decline imminently. He is reliant on an electric wheelchair.

2.4 The sitting room currently accommodates a hospital bed onto which Mr X can be raised and lowered. Mr X can go out with the aid of his wheel chair but chooses not to and confines himself to the house and garden. His garden and pond seem important to his quality of life.

2.5 Mr X has speech therapy once a month and will soon start a day centre once a week.

2.6 Mr X can only use the ground floor of his property and cannot shower. His wife and two agency carers wash him and assist him to the downstairs toilet. There is no room for the wheelchair in the toilet so this requires considerable assistance.

2.7 As Mr X sleeps in the sitting room family life is limited once he has gone to sleep. Mrs X sometime sleeps downstairs in case she is needed to help and sometimes because she feels lonely.

2.8 It is a requirement of Adur Homes Services Disabled Adaptation Policy that adaptation work in excess of £30,000 requires consideration and approval by the cabinet member for Customer Services before a scheme can progress.

3.0 Proposals

3.1 To accommodate Mr X's disability and the family's living arrangements an extension would be required to include a downstairs bathroom and bedroom

3.2 The proposal is to undertake the work at a cost of approximately £46,000 in accordance with WSCC Occupational Therapist assessment and referral.

3.3 Once completed the legislation allows such a property to be classified as housing for the physically disabled that has been substantially adapted and therefore no longer subject to Right to Buy.

4.0 Legal

4.1 Section 9 of the Housing Act, 1985 empowers the Council to alter, enlarge, repair or improve properties within its housing stock.

4.2 The Equality Act 2010 imposes a duty to on the landlord or manger of let premises, to make reasonable adjustments to assist disabled people. The duty includes changing how things are done to avoid the disadvantage, where a provision, criterion or practice puts a disabled person at a substantial disadvantage; and taking reasonable steps to provide auxiliary aid or service where, in the absence of auxiliary aid or service, the disabled person would be at a substantial disadvantage. The Council is not under a duty to take steps to change a physical feature of the premises.

4.3 The Contract Procedure Rules provide for the authorisation of contracts with a Cabinet Member authorising the undertaking proposed the method of carrying out the proposal selected is the most competitive method practically available in the circumstances; and except for E.C. Contracts if it is a Specialist Contract, the Cabinet Member may authorise the awarding of the Contract by such means (including dispensing with any competitive tendering procedure) as it considers appropriate having regard to the need to achieve best value and in the interests of the open and fair awarding of Contracts.

4.4 Contract Standing Order 8.5.1 (b) Where the estimated value or amount of the Contract exceeds £25,000 but does not exceed £50,000: the Executive Head of Service shall obtain at least three sealed written quotations from persons or bodies who in the opinion of the Executive Head of Service are capable of performing the Contract unless it is impracticable due to the specialist nature of supply or the nature of any warranty that exists. Where available an agreed form of standard contract should be used.

4.5 Paragraph 7 of Schedule 5 of the Housing Act 1985, provides the right to buy does not arise where the dwelling house is substantially different from those of ordinary dwelling houses, is designed to make it suitable for occupation by physically disabled persons, 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 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.

5.0 Financial implications

5.1 The work can be funded from the 2013/14 Housing Capital Programme.

6.0 Recommendation

6.1 The Cabinet Member for Customer Services is recommended to:-

- i) Approve the work to the property.
- ii) Remove the Right to Buy status from the property.

Local Government Act 1972 Background Papers:

- Adur Homes Disabled Adaptation Policy
- Adur Homes Decent Homes Work Programme report (Joint Strategic Committee 28/02/13)

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Schedule of other matters

1.0 Council Priority

1.1 Matter considered and no issues identified

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 Matter considered and no issues identified

5.0 Community Safety Issues (Section 17)

5.1 Adapting homes to enable residents to remain in them for longer promotes more settled and sustainable communities

6.0 Human Rights Issues

6.1 Allowing someone to stay in their own home could be considered a basic human right

7.0 Reputation

7.1 Matter considered and no issues identified

8.0 Consultations

8.1 Occupational Health

9.0 Risk Assessment

9.1 Matter considered and no issues identified

10.0 Health & Safety Issues

10.1 As detailed in the body of the report

11.0 Procurement Strategy

11.1 The work will be carried out within procurement guidelines and rules

12.0 Partnership Working

12.1 Matter considered and no issues identified