

REPORT TO:		Cabinet	
DATE:		15 th January 2020	
PORTFOLIO:		Councillor Loraine Cox, Housing & Regeneration	
REPORT AUTHOR:		Mark Hoyle, Head of Regeneration & Housing	
TITLE OF REPORT:		Disability Service – Specialist Accommodation Unit	
EXEMPT REPORT (Local Government Act 1972, Schedule 12A)	No	Not applicable	
KEY DECISION:	Yes	If yes, date of publication:	15 th January 2020

1. **Purpose of Report**

- 1.1 To bring to Cabinet’s attention Lancashire County Council’s intention to develop two specialist accommodation units; one for disabled adults and one for disabled children both in Great Harwood. The report seeks Cabinet’s approval to make a £300,000 contribution from the Council’s Capital Programme towards the adult specialist unit.

2. **Recommendations**

I recommend that Cabinet:

- 2.1 Approves a £300,000 contribution from the Council’s Capital Programme as set out in the report towards Lancashire County Council’s proposed new specialist accommodation unit for physically disabled adults in Great Harwood, and
- 2.2 Delegates authority to the Head of Regeneration and Housing to conclude the terms of the Council’s funding contribution following consultation with the Deputy Chief Executive, the Executive Director (Legal and Demographic Services) and with the Portfolio Holder for Housing and Regeneration.

3. **Background**

- 3.1 Lancashire County Council’s Disability Service has reviewed how it provides short break services to severely physically disabled adults including households with a learning disability and is proposing to build a new specialist unit in Great Harwood that:

- Accommodates individuals in an emergency that have significant behavioural problems that pose a risk to themselves and others.
- Support care provision and prevent carer-breakdown, which could result in more costly placements for individuals.
- Provide respite for families / carers that will enable individuals to remain in their home environment.
- Support young people with complex needs in transition from children’s services.

- 3.2 The new adult residential unit will provide seven ground floor bedrooms including communal space and specialist equipment. The Council is being invited by Lancashire County Council to contribute £300,000 to the adult unit which will cost approximately £2.034 million to construct.
- 3.3 Lancashire County Council is also proposing to construct a similar specialist facility for disabled children at an estimated cost of £3.01 million on the same site (the Council is not being asked to contribute towards the children's unit). This means a total investment of £5.04 million in Great Harwood for new state of the art facilities for severely disabled households.
- 3.4 Hyndburn Borough Council has accumulated a circa £652,000 underspend over several years from its Disabled Facilities Grant (DFG) funding and therefore the County Council has approached the Council seeking a financial contribution of £300,000 from the underspend towards the adult accommodation unit (and not the children's unit)
- 3.5 DFG funding is part of the County Council's Better Care Fund (BCF¹) and is distributed to the relevant Housing Authorities (District Councils in Lancashire) to support disabled households to remain living as independently as possible in their own homes.
- 3.6 The support provided through the provision of the short break units will enable carers to take a break from continued caring responsibilities which in turn will assist them to continue to provide that vital care. It also prevents carer breakdown which often results in care placement and will also support the placement of emergency accommodation for individuals displaying significant behavioural problems that pose a risk to themselves and others (safeguarding issues).
- 3.7 Therefore the County Council's capital contribution to the adult accommodation unit supports the aims of the Better Care Fund priorities and supports individuals with disabilities to receive consistent supportive care which enables them to remain in their own homes and current caring situations. For this reason using the DFG underspend is an appropriate and valuable use of this funding.
- 3.8 Should Cabinet decide to support a £300,000 contribution towards the adult disabled unit from the Capital Programme the Council will seek to impose legal and financial conditions to ensure Hyndburn Borough Council's financial contribution towards the adult unit is protected and used for the disabled adult specialised accommodation unit as proposed, including the following:-
- a) Payment timing – Hyndburn Borough Council's £300,000 contribution to be paid when the adult accommodation unit is first occupied.
 - b) Any future disposal of the unit proposed by Lancashire County Council – we can seek to put measures in place as follows:
 - i. As a condition of Hyndburn Borough Council's funding we could require a restriction to be registered against Lancashire County Council's title which could require Hyndburn BC's consent to a disposal of the unit.
 - ii. As a further condition of the Council's funding should the County seek to dispose of the unit, even if the use remains the same, the County Council could be required to reimburse the Council the full £300,000 plus interest. This could be secured by way of a legal charge and / or restriction a period of up to 25 years.

¹ BCF – is a programme spanning the NHS and local government which seeks to join up health and care services, so that people can manage their own health and wellbeing and live independently.

- c) Clawback Provision – should the unit cease to be used for adult disabled households within 10 years of the Council providing the funding the Council could seek to recover 75% of the £300,000 funded provided i.e. £225,000; and should the unit cease to be used for adult disabled households for 10 to 25 years of the Council providing £300,000 funding, Hyndburn Borough Council could seek to recover 50% of its funding back i.e. £150,000. We could seek to impose a charge of title to secure the repayment obligations.

4. Alternative Options considered and Reasons for Rejection

- 4.1 The Council does not have to make a financial contribution to the County Council's new accommodation unit. However, the Council has accumulated a significant DFG underspend which is ring-fenced for supporting disabled households to live independently. The £300,000 can therefore be considered an appropriate and worthy use of this funding, working in partnership with Lancashire County Council supporting the housing needs of disabled households.
- 4.2 The Council has a very significant DFG funding programme and therefore a decision to make a £300,000 funding contribution to the County Council will not affect the Council's ability in helping households with DFG's.

5. Consultations

- 5.1 The Council's Regeneration and Housing Panel has been consulted on the proposal.
- 5.2 Lancashire County Council will consult on its proposals for the new accommodation unit as part of a planning application.

6. Implications

<p>Financial implications (including any future financial commitments for the Council)</p>	<ul style="list-style-type: none"> • There are no future financial commitments for the Council should Cabinet decide to approve the recommendations made in the report. • The £300,000 will no longer be available for the Council, however, this is a ring fenced funding for disabled households and therefore the proposal and recommendations set out in this report are considered an appropriate use of the funding and because the Council still has a very significant DFG programme, approving the recommendation within the report should not affect the Council's duty to assist eligible households with DFG's.
<p>Legal and human rights implications</p>	<p>Legal Services will be instructed to produce a legal agreement between the Council and LCC to cover the matters set out in paragraph "3.8" of the report.</p>
<p>Assessment of risk</p>	<ul style="list-style-type: none"> • The most significant risk arising from this report is that Lancashire County Council do not use the money has intended or dispose of the new unit at a future date. This will be addressed in the legal agreement between the Council and the County Council and as

	<p>described in “3.8” of the report.</p> <ul style="list-style-type: none"> • There is also a small risk that the proposed use of the funding is deemed to be outside the scope of what the funding is for and therefore the Council will seek an indemnity from the County Council in order to protect the Council from risk of the funding be recovered.
<p>Equality and diversity implications <i>A Customer First Analysis should be completed in relation to policy decisions and should be attached as an appendix to the report.</i></p>	<ul style="list-style-type: none"> • The funding will be provided for a service provided and managed by Lancashire County Council and therefore it is expected that the County Council will ensure that equality obligations are considered and taken into account when making decisions of the provision of this service. The Council will ask the County Council to provide it with a copy of their equality and diversity policy for this service before releasing the Council’s funding. • A Customer First Analysis is attached in relation to the Council’s proposed financial contribution.

7. **Local Government (Access to Information) Act 1985:**
List of Background Papers

None