

## BASILDON BOROUGH COUNCIL

**Report to:** Cabinet  
16 November 2023

### **SHELTERED HOUSING ACCOMMODATION REVIEW**

**Report by:** Cabinet Member for Housing and Estate Renewal

**Supported by:** Director of Housing and Property

**Enquiries to:** Elaine Navin – Head of Housing Management and Community Safety,  
[elaine.navin@basildon.gov.uk](mailto:elaine.navin@basildon.gov.uk), 01268 206725

**Enclosures:** Enclosure No.1 – Full Consultation Report  
Enclosure No 2. – Risk Implications  
Enclosure No 3 – EIA

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#### **EXECUTIVE SUMMARY:**

A detailed report was presented to Cabinet on 13 July 2023 on proposals to redesignate some sheltered housing schemes to general needs accommodation. The rationale for this proposal is based on the current high demand for general needs accommodation, the financial pressures meeting the Council's homelessness duty and that Basildon has a high level of sheltered housing properties, some of which are no longer fit for purpose and are difficult to let.

Two schemes were recommended to have some properties redesignated (Felmore Court and Fore Street) and it was agreed that formal consultation be undertaken on the proposals and the outcomes be reported back to the Cabinet for consideration.

The redesignation of both Felmore Court and Fore Street would result in 60 properties being available at re-let for any resident in priority need in the borough and ultimately would contribute to reducing the demands on the Councils temporary accommodation duty.

Existing tenants on Felmore Court and Fore Street would be given a choice to remain in their property and continue to receive Sheltered Housing support or convert to a general needs tenancy. Tenants would be supported to move to an alternative Sheltered Scheme if they prefer.

The purpose of this report is to detail the outcomes of the consultation for consideration and to seek approval to continue with the redesignation of these schemes.

#### **CORPORATE PLAN AMBITIONS:**

- People
- Place

#### **WARD(S):**

Pitsea North West  
Crouch

## RECOMMENDATIONS:

- 1. That Cabinet approves the redesignation of properties on the Felmore Court and Fore Street Sheltered Housing Schemes to general needs accommodation for the reasons set out in this report.**
- 2. That the Director of Housing obtain any required planning approvals to change the use of the properties at Felmore Court and Fore Street to provide alternative housing needs for priority groups.**
- 3. That the Director of Housing be authorised to implement operational changes at Fore Street and Felmore Court including the provision of support available for tenants wishing to move as set out in this report.**

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## BACKGROUND

At its meeting on 13 July 2023 Cabinet considered a detailed report that sought approval to redesignate Felmore Court and Fore Street sheltered housing schemes to general needs accommodation on re-letting. Subject to planning approvals, this would enable the two sites to be used for alternative housing needs for priority groups on re-letting, which could include the provision of temporary accommodation.

The proposals contained in the report considered the changing landscape for older person accommodation and recommended a phased implementation period ensuring flexibility for existing tenants. It also detailed the analysis that had been undertaken and the rationale for identifying schemes for proposed decommissioning.

The Cabinet resolved -

- 1. That Cabinet approves the proposed decommissioning of some sheltered properties and subject to planning approval the change of use to general needs accommodation as set out in the report for consultation.*
- 2. That Cabinet approves that further formal consultation be undertaken on proposed decommissioning of the Felmore Court and Fore Street schemes as set out in the report.*
- 3. That the outcome of consultation and further recommendations be brought back to Cabinet for decision.*

### Felmore Court Sheltered Scheme

This is an enclosed scheme with 33 flats surrounding a communal garden area. It is located near the Felmore shopping parade. Properties are currently let to residents in housing need over 60 years old. This scheme has been identified for redesignation due to the high vacancy rate and difficulty to let, over the last 2 years 15 properties have become void, with an average relet time of 34 weeks resulting in high levels of rent loss. Some of these properties are now being used to provide temporary accommodation for older homeless applicants.

## Fore Street Sheltered Scheme

This is a group of bungalows and flats totalling 27 properties, that are currently let as Sheltered Housing to residents in housing need who are over 55 years old. The scheme has been identified for redesignation as the properties are linked to a larger Sheltered Scheme at Kenilworth Place which is some distance away. The properties at Fore Street can therefore be converted for general needs use with limited disruption and impact on the wider provision of Sheltered housing. The scheme is popular with applicants due to its location, but not necessarily for the support Sheltered Housing provides.

## IMPLEMENTATION

It is recommended tenants are given the choice of staying in their existing property as either a sheltered housing tenant (no change) or change to a general needs tenant. This will not require any change to their Tenancy Agreement, but will enable removal of the additional support and associated service charges if they so wish. If they prefer to move to an alternative scheme that is not impacted by these changes a package of support to assist tenants in moving will be provided. This support package will include removal costs, connection of services, provision of carpets and curtains and full decoration of the new property.

This approach will provide reassurance that existing Sheltered Housing tenants can remain in situ, receiving the same level of facilities, or service they receive now, if they choose and that their property will only convert to a general needs property when it becomes void.

The table below shows the current preferences tenants on each scheme have indicated to Council staff:

	Felmore Court	Fore Street
Remain at Scheme as Sheltered Housing tenant	18	14
Remain at Scheme as a General Needs tenant	1	8
Move to alternative Sheltered Scheme	6	3
Undecided	2	0
Temporary Tenants	2	1
Vacant	4	1
	<b>33</b>	<b>27</b>

## CONSULTATION

The consultation aimed to achieve the following:

- Understanding of the perceived positive or negative implications associated with the proposal, from the viewpoint of a range of stakeholders, providing an opportunity to consider these views as part of the decision-making process.
- To gain insight that will assist in the further development of the Equality Impact Assessment (EIA).

## **Process**

The consultation was undertaken in two parts:

**Part A** - Localised consultation with communities within closest proximity of Felmore Court sheltered accommodation scheme and Fore Street sheltered accommodation scheme. Anyone in the borough was not prohibited from expressing their view as part of the consultation process although this would be less likely due to the minimal relevance to them.

Purpose of the consultation was to:

- Understand how residents feel about the proposal to reduce the number of 'sheltered accommodation' units to offset the greater need for 'general needs accommodation' in the borough
- Understand any perceived positive or negative implications associated with the proposal to redesignate Felmore Court and Fore Street over a phased period to 'general needs accommodation', from the viewpoint of all residents
- Gain insight from residents on their future accommodation ambitions, specifically if they are planning or wish to move into sheltered accommodation in the next 10 years.
- Obtain data that can be used to further develop the Equality Impact Assessment for this proposal

**Part B** - Face to face consultation and engagement with residents of both schemes to seek their views on the proposals and to ascertain their likely preferences, should a scheme be redesignated to general needs accommodation in the future.

Purpose of the consultation was to:

- Ensure scheme residents fully understood the proposals and the implications for them
- Seek scheme tenants views on the proposals
- Identify any positive or negative implications associated with the proposal(s) from the viewpoint of Felmore Court and Fore Street scheme tenants.
- Obtain data that can be used to further develop the Equality Impact Assessment for this proposal

## **The Survey**

An online survey was developed and publicised with access to the survey via a QR code, on the Council website and in local notice boards, community areas and amenities near Felmore Court and Fore Street.

A hard copy was made available on request and provided to all residents living in Felmore Court and Fore Street along with an explanation letter. Face to face meetings and support has been offered and provided to residents to complete the survey on these schemes.

The questions asked were

- Postcode
- What is your interest (resident of scheme, live near scheme, have an interest in the scheme, other)
- How do you feel about the Councils proposal to seek to change Felmore / Fore Street Sheltered accommodation scheme to general needs accommodation?

- Can you explain your reasons for this view?
- Are you planning to apply for accommodation within a social housing sheltered scheme in the future?
- Equality questions

## **Findings and Analysis**

The full report on the findings of the consultation is set out at **Enclosure No 1**.

### **Felmore Court – Feedback**

In summary, 18 tenants living on the scheme responded to the survey, 2 supported the proposed changes, 6 disagreed and 10 strongly disagreed. A further 6 responses were received from residents indicating they lived near the scheme, 2 supported the proposals and 4 strongly disagreed.

The main reasons given for disagreeing with the proposals were:

- Current residents of scheme like how it is and want to keep it as a sheltered scheme
- Elderly residents have differing housing needs that are met by sheltered accommodation
- Use these properties to downsize elderly residents into sheltered properties
- Accessible amenities nearby for elderly residents
- Safety and security concerns (dominant theme amongst existing residents)
- Fear of antisocial behaviour and noise disruption perpetrated by a younger demographic

The main reasons given for agreeing with the proposals were:

- Best use of housing stock, utilising empty properties (dominant theme)
- Potential for downsizing from larger accommodation
- It responds to whole borough needs

### **Fore Street – Feedback**

Prior to the formal consultation commencing, the Cabinet Member for Housing and Estate Renewal received direct correspondence from four private residents living near the Fore Street scheme raising their objections to the proposals.

The main reasons for disagreeing with the proposals were:

- Residents living on the scheme felt unhappy about their futures and may not fully understand the impact this decision would have on their lives.
- Why choose Fore Street as it has no vacancies
- What evidence is there that Noak Bridge should be part of this review and believe Fore Street does not meet the criteria used to include in the review
- Noak Bridge is a conservation area
- Need for wider community consultation
- Parking issues in Noak Bridge and these changes will increase number of cars
- Private residents should not have to pay Council Tax to cover the cost of this change
- Access to the main scheme Kenilworth Place is not an issue.
- It will change the dynamics of Fore Street
- Their safety will be put a risk

- More suitable places for general needs housing in Laidon and Basildon nearer the town and schools that young people need
- Noak Bridge is a quiet parish and younger residents will impact the community
- The Council Local Plan recognises the need for more specialist housing for older people so this proposal contradicts this
- Fore Street is not suitable for this change as there is a strong community spirit ideally suited for elderly residents.
- Unsettling for all residents
- Gardens will not be maintained by younger residents
- Concern that properties will be let to people with a criminal record
- Noak Bridge not suited for younger residents
- Suggest selling Sheltered Housing properties to Housing Associations or convert to a private leasehold scheme.
- Sheltered housing tenants wanting general needs accommodation can choose to relocate
- Contest that redesignation of Sheltered Housing is only option to meet housing demand as tenants under occupying family sized homes could be moved into smaller accommodation
- Pressure on local medical facilities
- No consideration for the wellbeing and living environment of the current residents of Noak Bridge
- Impact on local amenities if a different sector of the population begins to inhabit this area that was never intended to meet their housing or social needs

The Council also received a petition with 94 signatures from residents living on the estate where Fore Street is located, also objecting to these proposals. The lead petitioner was one of the residents who contacted the Cabinet Member directly and the three other residents who made direct contact also signed the petition.

The objections raised in the petition were as follows and residents were asking for the plans be abandoned and a more suitable area to be found.

- Changes to the well-established caring community feel of the area, the dynamic will alter to the detriment of everyone.
- Residents chose to purchase in Fore Street knowing there is a mixture of private housing alongside a quiet and well managed older community.
- Residents go through months of planning application protocol if they apply for 'change of use'. Why is this not appropriate for planning too?
- Current tenants will feel less safe and may ask to be relocated, some having lived here in their homes for over 20 years.
- Increase traffic flow along Fore Street. The bend at the eastern end of the street is blind and a danger spot
- No proposal to address extra parking requirements. Fore Street currently has a parking problem with vehicles parked half- pavement/ half – road and there are times when rubbish trucks and emergency vehicles cannot pass without needing to back up. People are unable to use pavements and forced to walk in the road instead.
- Over capacity at Noak Bridge School if children are moved in, already full with resident's children who have moved to the area because of the school, where would they go to school?
- Anger at not being notified, residents are indignant and rather insulted that it appears their opinion is of such little value.

The Council also received a petition via the local MP from eight residents living on the Fore Street sheltered scheme, supporting the proposed changes. The issues raised by these residents in relation to the proposals:

- *Many of us feel we are not being heard - the change from sheltered to general needs, was raised months ago and we've not been given any kind of update.*
- *A petition to stop this change has been raised by a neighbour, this shouts victimisation at its worst!*
- *The payment of £23.73 per week for the use of washing machine and facilities at Kenilworth Place are not used by the names listed below.*

From the formal consultation 3 residents living on the Fore Street Sheltered scheme responded to the survey. 1 strongly supported proposals and 2 strongly disagreed. A further 14 residents living near the Fore Street Sheltered Scheme completed the survey with 1 supporting the proposals, 5 neither agreeing or disagreeing, 2 disagreeing and 6 strongly disagreeing. All objections to the proposals were similar to those detailed from the petitions and direct contact made.

6 respondents who indicated an interest in Felmore Court or Fore Street, all disagreed with proposals for Felmore Court, 1 supported Fore Street, 1 did not have view either way and 3 disagreed.

A further 6 respondents identified as living in Sheltered Housing but not on Felmore Court or Fore Street. 2 supported the proposals at both schemes and 4 disagreed. Those supporting the proposals felt there was too much unused sheltered housing and those who disagreed sited safety, noise concerns and that sheltered housing was needed for older residents.

A further 18 respondents indicated they were completing the survey for other reasons. The views were split fairly evenly amongst this group. Views expressed by respondents in this category who disagreed/strongly disagreed were concerned with the needs of older people in general. Those that were supportive focused on the broader housing needs of the borough.

## **Considerations**

When making a decision following a consultation exercise the Councils Consultation and Engagement Policy 2021 – 24 states:

*'It is important to recognise that the Council must consider a variety of factors when taking any final decision and that each of these factors will have their own weighting. Whilst views gathered may be the primary determining factor in one situation, competing factors such as legal requirements or financial constraints may have greater weighting under another set of circumstances.'*

In this context members will need to balance the views of residents against the significant financial pressure the Council faces in relation to the increasing homelessness costs and the high demand for general needs housing in the borough.

## **Council response in relation to the specific objections**

- Fore Street was identified as it is a defined group of properties, linked to a larger scheme at Kenilworth Place some distance away, and residents have advised they do not use the facilities there. The scheme is popular due to its location but not specifically due to the support offered from living in sheltered housing.
- 8 tenants living in the Fore Street scheme have for some time been asking the Council to change the arrangements, to reduce the level of service charge they contribute towards for the Kenilworth Place Scheme.
- The conservation status of Noak Bridge has no bearing on this proposal, but in any case, if this proposal was to proceed, a 'change of use' planning application would be submitted.
- Parking creates significant pressure on most housing estates, including those containing sheltered schemes. Many elderly residents on our schemes still have vehicles so this pressure would potentially be present with or without the changes proposed, and any impact is likely to be minimal.
- Housing Revenue Account (HRA) funds will be used to support any costs involved in this change so Council taxpayers are not impacted.
- All Social Housing tenants regardless of age must adhere to a tenancy agreement and the council have teams in place to address any breach of tenancy. Whilst younger residents may have different lifestyles there is no evidence to support the view that this will lead to private residents homes being less safe. The Noak Bridge estate already support a mixed demographic with younger Social Housing tenants integrated and part of the community on the estate.
- The properties at Fore Street are mainly 1 bedroom and would not therefore be let to applicants with dependent children. It is possible that the tenant could start a family whilst living in this accommodation, but they would likely be relocated prior to children reaching school age.
- There is no more pressure on local schools or amenities from this proposal than the normal turnover of property ownership and potential change of family make-up of the new owners or private renters properties.
- It is recognised that the population of Basildon is aging, however, the needs of older residents are changing and the Council will need to consider how it can meet these needs in the future. The approach taken now to phase the redesignation will enable the needs and demand for Sheltered Housing to be monitored and converted back or schemes refurbished as necessary. There is an intention to retain a high proportion of the Councils stock as Sheltered Accommodation.
- The Council has a scheme in place to incentivise tenants to downsize into smaller accommodation if they are under occupying and this will be reviewed further as part of an Allocation Scheme review in the coming months. It is likely that the properties in Fore Street would be popular for residents wishing to downsize, who do not want to live on a Sheltered Scheme, and thereby freeing up larger family sized accommodation elsewhere.
- The residents living in the schemes affected by these proposals have been given a choice of being able to stay in their property and continue to receive the support as a Sheltered housing tenant, stay in their property as a general needs tenant and reduce their service charge contribution or be assisted to relocate to an alternative Sheltered Scheme.
- Alternative Sheltered Housing Schemes are located close to local amenities, 5 of which are in close proximity to the Felmores shops and NHS facilities.

## **OPTIONS**

### Option 1

Do nothing and decide to leave Sheltered Housing schemes as they are.

This is not recommended as the Council would lose the opportunity to reduce temporary accommodation pressures and would not resolve the ongoing issues with its Sheltered Housing schemes in terms of need, cost and being fit for purpose. This option would not achieve the most effective use of its stock.

It is recognised that the findings from the consultation do not wholly support a redesignation of the identified schemes to general needs accommodation. It is also acknowledged that proposals for change can give rise to a number of emotions including fear and uncertainty, which was reflected in the comments received.

This report responds to the concerns raised, where possible to do so, to enable careful and balanced consideration of all factors.

### Option 2.

Implement a demolition and redevelopment only approach.

This is not recommended as the buildings are suitable for conversion and the time and resources to redevelop these sites would impact the speed to see benefits for current housing pressures and could limit the council's ability to ensure that everyone who needs a home has the opportunity to find a good one particularly groups or individuals with more acute needs.

### Option 3.

Implement a phased approach on high risk schemes to redesignate at new let stage

Careful consideration of the findings of the consultation has been undertaken. Findings have been considered against a backdrop of other competing factors including:

- Council budget pressures arising from the council's statutory duty with regards to homelessness
- The need to ensure effective use of council housing stock,
- Vacancies arising from difficult to let sheltered accommodation units; and
- High demand for general needs accommodation

As such, it is recommended that this option is implemented on a scheme by scheme basis as required, following appropriate consultation and Cabinet approval.

## **LEGISLATION/POLICY**

The Council has a range of statutory duties and powers in relation to housing and homelessness, including duties to accommodate and ensuring allocation and management of appropriate accommodation.

The Council has a statutory duty pursuant to section 105 of the Housing Act 1985 to consult on matters of housing management. Consultation has taken place with the Tenant and Leaseholder Panel on 5th July 2023 and individually with residents impacted on Felmore Court and Fore Street. A wider consultation has also taken place, which is considered within the report.

Even where there is no statutory duty to consult, a duty to consult can still arise from the common law duty to act fairly, for example because of the potential impact on residents; the public sector equality duty and/or because of past practice in consulting. Lawful consultation needs to be undertaken at a formative stage when proposals are being developed.

The outcome of any consultation must be conscientiously considered as part of the decision making process and to inform recommendations.

The Council must have due regard to its ongoing duties under the Equality Act 2010. Delivery plans for the implementation of any changes will need to take account of protected characteristics, ensuring they are fully inclusive and that equality impact assessments are carried out at relevant stages.

Both Felmore Court and Fore Street Sheltered properties were transferred to the ownership of Basildon Council in 1994 following a stock transfer from the Commission for the New Towns. Documentation available suggests the original planning status indicates these properties were designated for Sheltered Housing for residents aged over 50. The use of these schemes has been for sheltered housing since 1994, as such the last lawful use, over the preceding 10 years is sheltered housing.

Therefore, planning permission is required to change the scheme for use as general needs housing with no age restrictions.

## **GENERAL INFORMATION**

### Corporate Plan Ambitions

**People** - We want Basildon to be home to healthy and active local communities able to support themselves and each other.

**Place** - We want Basildon to offer a high quality of life for all residents through attractive, liveable, accessible and safe neighbourhoods and towns along with the provision of enduring facilities, green spaces and town centres that meet the needs of the community.

One of the priorities of the Housing Strategy 2023 – 2028 is 'Make the best use of Council homes. An objective under this priority states 'We will make the best use of our homes for older people so that they meet the needs of both current and future older population'

### Financial Implications

In the short to medium term there would be some impact on service charges as fewer tenants would be contributing to the overall cost of the communal facilities. Full details of these impacts were presented to Members at the 13 July 2023 Cabinet meeting and agreed a general principal is applied to protect existing Sheltered Housing tenants against increased charges as a result of the proposals in the report.

There are numerous variables to factor into the overall impact this would have to the HRA, such as property turnover rate and when salary and communal facility costs can be reduced, but assuming all units were general needs within 4 years it is estimated the cost to the HRA could be between £70,000 and £100,000 over the 4 year period.

As some Sheltered Housing units have proved difficult to let and been empty for significant periods this has increased the rental loss. If these could be let to general needs this would provide an income that in the longer term would offset some of the cost impact to the HRA.

Based on tenants preferences to move, which were identified following the pilot scheme consultations, it is estimated that £100,000 would be required to support residents wishing to relocate from the scheme. This would cover the removal, decoration and reconnection of services at their new property.

The cost of protecting remaining sheltered tenants from an increased service charge during the transition and support for relocation, can be funded from within budgeted contingency within the Housing Revenue Account.

Designating these schemes as general needs will provide the council with more flexibility in managing the growing homelessness crisis in the borough. The spend on temporary accommodation has risen significantly in the last three years and is forecast to be in the region of £1.5 million over budget this year. This is by far the single biggest contributor to the growing financial pressures and budget gaps the council is facing over the coming years. This measure will not resolve the issue but will be a contribution towards the overall solution.

The average cost to the Council in providing temporary B & B accommodation per person per week is £306. Although it will take some time for all the 60 properties recommended for redesignation to become available for general needs housing, and not all these properties will be directly let on a temporary licence, this could eventually contribute nearly £100,000 reduction to the Councils temporary accommodation bill per year.

### Risk Management Implications

There are opportunities in increasing the level of general needs units, which will assist with a reduced demand for temporary accommodation. Having a core number of schemes in the future will enable a focussed approach to delivering fit for purpose homes and support service.

The main risks relate to service effectiveness and reputation, ensuring robust support remains in place for residents impacted by changes and taking a cautious approach to retain sufficient sheltered housing for potential increase in demand in the longer term.

The full risk management implications are set out at **Enclosure No. 2**.

### Diversity, Inclusion and Community Cohesion Implications

As a public authority, Basildon Borough Council is subject to the requirement under The Public Sector Equality Duty (PSED) found in s.149 of the Equality Act 2010 for the council to have due regard to the need to:

- a) Eliminate discrimination, harassment, victimisation and any other conduct prohibited by the 2010 Act

- b) Advance equality of opportunity between persons who share a relevant protected characteristic and those that do not, and
- c) Foster good relations between persons who share a relevant protected characteristic and those that do not.

The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The implementation and enforcing of the redesignation of identified Sheltered Housing schemes unit for allocation on a general needs basis will be in accordance with the Equality Act 2010. There will be no discriminatory enforcement of this proposal in line with our PSED.

The EIA completed on 8 June 2023 considered how the proposed changes within the Sheltered Housing Accommodation Review might impact adversely or positively on those persons with protected characteristics. It considers the PSED and also the impact of the proposed changes on human rights and wider non-legislative factors.

The EIA has found there is likely to be a positive impact of redesignating Sheltered Housing unit as general needs in relation to the Council Allocation Scheme, which aims to provide a fair and transparent choice based letting process making the best use of Social Housing in the borough. The Council have an excess of homes designated for residents aged over 55 (Sheltered Housing) which on some schemes can be difficult to let in comparison with residents aged 18 -54 on the Home seeker Register experiencing a significant wait for much needed housing. Proposals in this report will go some way to redress this imbalance.

The EIA found there is likely to be a negative impact to redesignating Sheltered Housing units as general needs in two main areas which are detailed and addressed as follows:

It is recognised that the changes recommended will impact older residents and as such a sensitive and appropriate consultation and engagement approach has been adopted ensuring that an individual, supportive and personalised consultation takes place with each person affected. Options and choice will be offered to meet the needs of individual tenants impacted.

Differences in lifestyles may cause housing management issues. Typical issues experienced in flat blocks with mixed age groups includes; different tolerance levels to noise, inconsiderate parking, high levels of visitors, concerns regarding inappropriate behaviours and older residents feeling vulnerable when their neighbours lead chaotic and very different lifestyles than themselves. During the transition stage for the scheme there will be additional housing management support available to residents impacted by these issues.

There have not been any further impacts identified as a result of the consultation and this is reflected in the updated EIA shown as **Enclosure No 3**.

#### Other Relevant Considerations

None to consider

#### Background Papers

None