

## **SLOUGH BOROUGH COUNCIL**

**REPORT TO:** Cabinet **DATE:** 16<sup>th</sup> December 2013

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**WARD(S):** All

**PORTFOLIO:** Health and Wellbeing

### **PART I** **KEY DECISION**

#### **PROVISION OF REFUGES**

##### **1 Purpose of Report**

- 1.1 The purpose of this report is to seek approval for the grant of formal leases on the terms set out in the attached confidential Appendix A to a Refuge Service Provider. This is required to regularise the Refuge Service Provider's present occupation of and continued future use of three council properties.
- 1.2 The properties are required to ensure that secure accommodation whose address is confidential is available for victims of domestic abuse within the Borough. Two of these properties were acquired and refurbished by the Council in 2005 with grant funding from the then Office of the Deputy Prime Minister given under the Refuge DV element of the Hostel Capital Improvement Programme under the Prevention of Homelessness Initiative.

##### **2 Recommendation**

- 2.1 The Cabinet is requested to resolve:
  - (a) That the granting of the leases on the terms proposed in the confidential appendix A to this report be approved; and
  - (b) That the Strategic Director of Resources, Housing & Regeneration be authorised to seek such consents from the Secretary of State for the grant of such leases as the Head of Legal Services may advise are required to be obtained for this purpose.

##### **3. The Slough Joint Wellbeing Strategy, the JSNA and the Corporate Plan**

The Provision of Refuges for the benefit of East Berkshire fit within the The Slough Joint Wellbeing Strategy (SJWS) whereby partnering Authorities share and provide refuges on a space exchanging basis to provide security and anonymity for victims of domestic abuse.

##### **3a. Slough Joint Wellbeing Strategy Priorities**

The Refuges service provider works in close contact with partnership authorities throughout Berkshire. Victims of domestic violence are accommodated within

partnership organisation's accommodation to ensure the best and safest location available to meet each individuals needs. Residents are supported through often traumatic legal action and to develop skills to avoid finding themselves in similar situations. This has proven to be an economic way of providing for this need and provides secure temporary housing accommodation that also supports the safety of individual within the community.

*Priorities:*

- *Health*
- *Economy and Skills*
- *Housing*
- *Safer Communities*

4 **Other Implications**

(a) Financial

Financial details are included within the confidential Appendix.

(b) Risk Management

| <b>Risk</b>  | <b>Mitigating action</b>   | <b>Opportunities</b>  |
|--|--|---|
| Legal - Need to formalise the present occupation of and continued future use of the Properties | Formal Leases be entered into for the protection of both the Councils interest and those of the Service Provider.                      | By grant of the leases on the terms set out within the confidential appendix the interests of both parties are protected.   |
| Property   | The occupation of Council Owned property is in need of formalisation and restriction with regard to the sole use of providing refuges. | The user clauses within the proposed terms address the strict use to provision of refuges and families the terms of occupation.   |
| Human Rights   | Victims of domestic abuse have the right of protection.  | Provision of Refuges supports this right  |
| Health and Safety  | Victims of domestic abuse have the right to live in a place that provides for health and safety  | Provision of Refuges supports this need.  |
| Employment Issues  | Employment is not an issue as the organisation is well established and deals with its own retention and recruitment of staff.          | Provision of Refuges provides for employment of service providers. The training and support that they provide includes assistance to the service users in becoming self supporting. |
| Equalities Issues  | Refuges currently provide accommodation for men and women of all nationalities.  | The provision of refuges under the proposed lease terms provides for the continuation and security of providing both male and female accommodation.                                 |

|                        |  |  |
|------------------------|--|--|
| Community Support      | Not applicable   | Not applicable   |
| Communications         | Confidentiality is essential   | All communication with this organisation is kept confidential in order to provide a secure address and maintains anonymity for the protection of the occupants |
| Community Safety       | Safety of this sector of the community is paramount to this service provider | Use of confidential appendix ensures the safety of this sector of the community.   |
| Financial              | Subsidies rents are essential to ensure the viability of the service         | Details of the rents proposed are included in the confidential appendix  |
| Timetable for delivery | Service and occupancy are already in place.                                  | Granting of the leases formalises a well established arrangement   |
| Project Capacity       | Already delivered  | None   |

(c) Human Rights Act and Other Legal Implications

Any disposal of Council property is subject to Section 123 of the Local Government Act 1972 which provides that any disposals which are not for the best consideration that can reasonably be achieved require Secretary of State (S of S) Consent. It is proposed that the Refuge Service Provider in this case is charged a below market rent. Furthermore, Section 25 of the Local Government Act 1988 prohibits the Council from providing any financial assistance or gratuitous benefit to any person for the acquisition of any property which is or is intended to be privately let as housing accommodation except under and in accordance with a consent given by the Secretary of State.

The S of S has issued a General Consent under that Section permitting disposals at an undervalue not exceeding £2,000,000 provided that the Council believes that the disposal will promote the environmental, economic or social well-being of persons residing or working in its area. The total undervalue of the disposals proposed in this case over the likely period of occupation by the Refuge Service Provider under the proposed leasing arrangements in this case may exceed this value.

Under the Council's Constitution any decision which constitutes a "Key Decision" needs to be taken by the cabinet. Key decisions are ones that are "significant" and "significant for this purpose means anything involving expenditure or savings of £250,000 or more or anything affecting communities living or working in an area comprising two or more wards within the borough. The proposed agreements in this case means that this threshold of £250,000 will be exceeded over the likely period of occupation by the Refuge Service Provider under the proposed leasing arrangements in this case.

Delegated Authority for disposals is up to a value limit of £250,000. The overall value of the disposals by way of the leases proposed in this case over the terms proposed exceeds this limit.

There are no Human Rights Act Implications.

(d) Equalities Impact Assessment

There are no Equality Issues to address

(e) Workforce

None.

**5 Supporting Information**

- 5.1 The S of S supported the provision of providing refuges for the protection of victims of domestic abuse by way of the Refuge DV element of the Hostel Capital Improvement Programme under the Prevention of Homelessness Initiative. This included the opportunity to apply for funding directly from the S of S to local authorities.
- 5.2 The service provider was commissioned to make the application for funding on behalf of the Council and secured £1,000,000 in 2006.
- 5.3 Properties were acquired for this purpose and the Service provider took occupation in 2006 and has continued to provide staff and support to the occupants and carry out internal maintenance of all three properties, in accordance with the draft lease terms.
- 5.4 The reason for the delay in completing the lease is due mainly to establishing a way of granting security of tenure to the Service provider without the need to disclose the address on the land registry. These details are recorded in the confidential appendix along with the risks associated by both parties by failing to complete formal documentation.

**6 Comments of Other Committees**

The proposal for this initiative were reported to Cabinet on 14 March 2005.

**7 Conclusion**

By taking the recommended action of completing the leases as detailed in the confidential appendix protection of both the Council interest and those of the service provider will be ensured.

**8 Appendices Attached**

Appendix A - Terms for the grant of 3 leases

**9 Background Papers**

None