

## PETITION REQUESTING CLOSURE OF THE SUPPORTED HOUSING UNIT AT 1 KINGS ROAD, UXBRIDGE

<b>Cabinet Member</b>	Councillor Philip Corthorne
<b>Cabinet Portfolio</b>	Social Services, Health and Housing
<b>Officer Contact</b>	Ed Shaylor, Anti-Social Behaviour Service Manager
<b>Papers with report</b>	None

### HEADLINE INFORMATION

<b>Purpose of report</b>	This report seeks to respond to a petition received by the Council on 17/12/11 requesting that the Council closes down the supported housing unit at 1 Kings Road, Uxbridge, UB8 2NW, and works with the management company to find a more suitable location for the residents.
<b>Financial Cost</b>	Nil
<b>Relevant Policy Overview Committee</b>	Residents and Environmental Services
<b>Ward affected</b>	Uxbridge South

### RECOMMENDATION

#### That the Cabinet Member:

- a) notes the views of the petitioners
- b) advises that the supported housing unit is run by a company which is independent of the Council
- c) notes that Council Anti-Social Behaviour Investigations Team (ASBIT) officers have advised the management company to investigate improvements or changes to reduce the impact on neighbouring residents
- d) discusses with petitioners whether the improvements made by the management company are sufficient
- e) listens to petitioners representations with regard to the closure of the premises and advises accordingly.

## INFORMATION

### Background information

1 Kings Road was set up as a supported housing scheme, run by Positive Community Care, in August 2011. Residents are housed at 1 King's Road by Positive Community Care on referral from Care Managers at Central North West London Mental Health Trust, who conduct an assessment before the placement commences and a statutory assessment review every 12 months, or more frequently based on need. The service provides housing related support and assistance with independent living skills. As it is not a registered care home it does not fall within the regulatory arrangements of the Care Quality Commission. The placing authority is Central North West London Mental Health Trust on behalf of London Borough of Hillingdon, who therefore have a responsibility to ensure that the level of support is adequate for the needs of the clients placed there.

The Council's Planning Enforcement officer dealing with the case initially believed there may have been a change of use from a dwelling house to a residential institution, and therefore that planning permission should have been sought. However, legal advice later determined that as the home is a supported housing scheme rather than being a residential care home it does not need planning permission for a change of use. This is because the property remains within planning use class C3 (Dwelling houses), being Class C3(b) – up to six people living together as a single household and receiving care. This covers supported housing schemes such as those for people with learning disabilities or mental health problems. Case-law shows that there is a degree of flexibility in the number of persons occupying the property as long as the nature of the household does not change.

The petition is seeking closure of the property. The only legislative option available through which to seek this outcome would be an application to a Magistrate's Court for a Closure Order under Part 1A Anti-Social Behaviour Act 2003 which permits such action to be taken in respect of a premises that causes significant and persistent disorder or persistent serious nuisance to a community.

Reasons in support of an application for closure:

- The Council's Anti-Social Behaviour Investigations Team has received complaints since August 2011, detailing noise late at night and early in the morning; screaming by one of the residents; resident sitting on the front wall and talking loudly (in an aggressive manner) early in the morning; talking and swearing in the rear garden and general noise such as doors banging.
- Petitioners cite unacceptable noise, disruption and volatile behaviour and that several residents feel unsafe as a result of this behaviour.
- Being a semi-detached property, number 3 is directly affected but other properties in Kings Road and The Greenway are also affected by the behaviour of the residents.
- Actions taken so far do not yet seem to have resolved the issues faced by the residents.

Reasons against an application for closure:

- Positive Community Care (PCC) have confirmed that residents at 1 Kings Road do not have any history of violence towards the public.

- PCC also state that they believe as an organisation providing supported housing, that people have a right to access housing, regardless of any disabilities, but are happy to work with local authorities and residents to ensure that neighbours are not adversely affected by anti-social behaviour. PCC are also of the view that exposure to all walks of life, including people with disabilities, can help reduce discrimination and increase tolerance.
- Door closure devices have been fitted.

At a meeting with the supported housing scheme's management on 8<sup>th</sup> November 2011, the manager agreed to:

- speak to staff and make sure they are doing checks, particularly in the evenings and at night.
- require staff to be more proactive when dealing with incidents, in particular bringing residents in from outside when causing an issue, or supervising them more closely when outside.
- lock the front door until 7am and close windows at night.
- review the case if the person's mental health has deteriorated.
- give the office number and email to neighbouring residents so that they can report issues to them at any time.
- meet the neighbouring residents to discuss the issues further.

At a meeting on Tuesday the 13<sup>th</sup> December where further actions were agreed, as follows:

- One resident's care level to be re-assessed.
- Directors will speak to staff and will also work on random nights to check how staff are coping.
- Staff will add more detail to incident logs so that directors can monitor the situation and act accordingly.
- Periodic checks to also include outside areas.

### **Reasons for recommendation**

Council officers have been working with the management company and the lead petitioner since August 2011 with the intention of improving the situation.

### **Alternative options considered**

Due to the mental capacity of the residents it was felt that direct action against individual residents, such as issuing a noise abatement notice or building a case for an Anti Social Behaviour Order would not be proportionate or appropriate.

### **Financial Implications**

There are no direct financial consequences for the Council.

## **EFFECT ON RESIDENTS, SERVICE USERS & COMMUNITIES**

### **What will be the effect of the recommendation?**

The measures discussed, if implemented by Positive Community Care, should reduce the impact on neighbouring residents.

### **Consultation Carried Out or Required**

No specific consultation has been carried out, other than contact with the lead petitioners and the management company to explore solutions to the issue.

## **CORPORATE IMPLICATIONS**

### **Legal**

As is indicated in the body of the report, legal advice has already been provided to the Council's Planning Enforcement Officer to the effect that as 1 Kings Road provides housing related support rather than being a residential care home, it does not require planning permission for a change of use.

The Council would face difficulties in taking legal action to address the disturbances at 1 Kings Road. For example, it has the power to serve a Noise Abatement Notice under the Environmental Protection Act 1990; or issue a Closure Notice and apply to a Magistrate's Court for a Closure Order pursuant to Part 1A of the Anti-Social Behaviour Act 2003 which permits such action to be taken in respect of a premises that causes significant and persistent disorder or persistent serious nuisance to a community.

Firstly, any such action would be that much more difficult to take as the clients at 1 Kings Road have mental health issues. Secondly, it is made clear within the body of the report that there are insufficient grounds and evidence for legal action to be taken in this matter.

Home Office Notes of Guidance state that these powers should only be used as a last resort, where other interventions have been used or considered and rejected for good reason, and where implications, for example, for children or vulnerable adults in the premises, have been carefully considered.

## **BACKGROUND PAPERS**

Petition received