

## **Cabinet Member Decision Note**

### **Land at Harding Street, Town Centre, Swindon – Proposed Disposal**

**To: Deputy Leader and Cabinet Member for Commercialisation, Education and Skills**

**Date: 21<sup>st</sup> October 2020**

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Author:	Director of Housing and Head of Property Assets
Wards:	Central
Parishes Affected:	Central Swindon South

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#### **1. Purpose and Reasons**

- 1.1 The Deputy Leader and Cabinet Member for Commercialisation, Education and Skills, in consultation with the Cabinet Member for Housing and Public Safety and the Cabinet Member for Highways, Maintenance and Waste, is asked to give authority for the disposal of the site at Harding Street, Swindon to Sanctuary Housing Association. Officers seek authority to make the disposal on a long lease at nil consideration, with a peppercorn ground rent to enable the Housing Association to develop it for specialist homeless accommodation. Protections will be provided for the Council if planning permission is not granted, funding is 'pulled' or Sanctuary runs into financial problems.
- 1.2 There is an opportunity to develop the site as 'move-on' accommodation from Culvery Court for vulnerable persons who have a history of Rough Sleeping and homelessness who have been engaging with support from agencies such as Mental Health, Drug & Alcohol services and Housing support to live more independently.
- 1.3 This links to Priority One to improve infrastructure and housing to support a growing, low carbon economy and Pledge 9 to develop brownfield sites in Swindon.
- 1.4 This links to Priority Four to Help people to help themselves while always protecting our most vulnerable children and adults and Pledges 23 to ensure that Swindon's vulnerable adults are safeguarded and protected and Pledge 26 To prevent homelessness wherever possible, including using additional measures such as the temporary winter housing provision and offering a day centre to prevent rough sleepers from returning to the streets.

#### **2. Recommended Action to be Authorised by a Cabinet Members Under Delegated Powers**

##### Recommended that:

- 2.1 The Head of Property Assets in consultation with the Director of Housing be authorised to dispose of the land at Harding Street, Swindon shown edged red on the plan attached as Appendix 1 by way of a long lease at nil consideration,

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with a peppercorn ground rent to the Sanctuary Housing Association for specialist homeless accommodation. This disposal to be on such detailed terms and conditions as are determined by the Director of Housing and Head of Property Assets in consultation with the Chief Legal Officer as are considered necessary in order to protect the Council's interests.

### **3. Detail**

- 3.1 The current Covid-19 pandemic has highlighted that Rough Sleepers are some of the most vulnerable persons within our communities. The 'Everyone In' initiative has seen all Rough Sleepers provided with accommodation since the pandemic began in late March 2020. There has been an extraordinary effort by all services, agencies, and community and faith groups to support these individuals and this proposal is a fantastic opportunity for a sustainable long-term solution to minimise Rough Sleeping.
- 3.2 Prolonged periods of rough sleeping have a significant impact on someone's mental and physical health. The longer someone experiences rough sleeping for, the more likely it is they will develop additional mental and physical health needs, substance misuse issues and have contact with the criminal justice system (collectively known as complex needs). The more complex needs someone has, the more help they will need to move on from homelessness and rebuild their lives.
- 3.3 The Government announced a financial commitment to support Local Authorities and organisations in delivering 6,000 more supported homes for Rough Sleepers over the next 2 years. The Council is working closely with the Ministry of Housing Communities and Local Government (MHCLG) and this proposal will form part of the Council's response.
- 3.4 Harding Street Car Park was a long stay car park in 2013, but now operates as limited waiting. The Car Park has on average 434 transactions per month. However as there is currently an over provision of parking in the town centre, it is anticipated that this income will be displaced into another of the Council's parking sites and therefore not lost.
- 3.5 Sanctuary Housing Association owns and manages the premises known as Culvery Court, Harding Street, Swindon ('Culvery Court'), which is a 20 bed direct access scheme for homeless persons. Sanctuary Housing has recently invested heavily in Culvery Court with modernisation and re-modelling. This has resulted in the Culvery Court changing from a single sex male hostel to a mixed hostel.

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- 3.6 Sanctuary Housing Association has an existing 125 year lease with the Council for the Culvery Court dated 15th September 1993. It is a current Supported Housing provider and contracted to deliver services to service users residing at Culvery Court.
- 3.7 Sanctuary Housing Association has [provisional] funding available to develop the site, and already have a number of properties in Swindon including Culvery Court.
- 3.8 Sanctuary Housing Association approached the Council regarding the possibility of building an additional 12 units of self-contained move-on accommodation on the land next to Culvery Court.
- 3.9 The release of the land next to Culvery Court for this proposal would support the Council in delivering some of the strategic objectives identified in Reducing Rough Sleeper Strategy 2019 -2022 and Preventing Homelessness 2020-2024 and will provide a specific housing scheme, and provide a much needed supply and range of additional units for single homeless persons.
- 3.10 It is proposed that the Council grants a lease on the land next to Culvery Court, which is conterminous with the lease for Culvery Court, at nil consideration and a peppercorn ground rent, allowing Sanctuary Housing Association to develop it for its proposed use. Sanctuary Housing would be permitted under the terms of any lease granted to assign its interest to another provider, subject to the permitted use for specialist homeless accommodation continuing.
- 3.11 The release of this land to Sanctuary Housing Association for this proposal rather than the Council undertaking directly is beneficial as it will use its own funds alongside Homes England funding for the development.
- 3.12 The Cabinet Member for Housing and Public Safety has been consulted about the proposal and endorses the recommendations because of the benefits it would bring towards delivering Pledges 9, 23 and 26 of the Council's Vision. The Cabinet Member for Highways, Maintenance and Waste has also been consulted and endorses the recommendations.
- 3.13 Ward Members have been consulted on the proposal and their comments are included within paragraph 5.1 below.

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#### **4. Alternative Options**

- 4.1 The Council could choose not to continue with development on the land, This Arrangement would not support the current Borough Council's ambitions of developing much needed affordable homes.

#### **5. Consultation**

- 5.1 The following Opposition Spokespersons / Ward Members have been consulted on the recommendations of the report and their responses are also summarised below:

Councillor Paul Dixon – I'm happy to support this proposal, as suggested, can the comments of local councillors be noted and incorporated into the report. Also I would like to see that local residents have the opportunity to feed in comments to the proposals as the scheme develops as Councillor Wright suggests so that their needs can be considered

Councillor Adorabelle Shaikh - No comments

Councillor Junab Ali – No comments

Councillor Bob Wright - I support the decision however I think the design needs to account for both the needs of the user and the local residents who have invested in property nearby. There needs to be street controls in place for day and night due to part of our main economic activity being in the area. I have never received any negative feedback about the existing provision or controls. We have had negative feedback on Alcohol and Drug use in the area and on the main shopping streets. Whilst the Alcohol activity has moved on we have had issues with drugs on the adjoining streets. Drug suppliers target the vulnerable. Previously two property owners have previously raised concerns about Alcohol related behaviour in the area.

Councillor Stan Pajak - Totally support this recommendation which gives recognition to the importance of dealing with the issue of homelessness in Swindon.

Councillor Oliver Donachie – I know the provision is to help those with difficulty however there also needs to be appreciation of local community needs.

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#### **6. Implications, Diversity Impact Assessment and Risk Management**

##### Financial and Procurement Implications

- 6.1 Harding Street Car Park generated an income of £7,179.21 in 2019/20. Business Rates for 2019/20 were £3,928 and the net surplus was £3,251.21. The parking will be displaced to an existing car park and would result in savings of the Business Rates, plus the peppercorn rent the Council would receive.
- 6.2 There are no procurement implications. Since we have not specified the housing we require on site there are no procurement implications from site appropriation.
- 6.3 Prior to COVID-19 the Council under its statutory duties housed on average 10 single persons per week in Bed & Breakfast Accommodation who would have otherwise been Rough Sleeping. The average cost of a Bed & Breakfast placement is £420 per week and equates to an annual £200k cost the Homeless General Fund Budget. An additional 12 units of move-on accommodation will reduce the number of persons placed into Temporary Accommodation and reduce the pressure on the Homeless General Fund budget.
- 6.4 Swindon before COVID-19 had an average of between 15 – 25 individuals sleeping rough on any given night. It is estimated that a Rough Sleeper with substance misuse and offending issues will cost the public sector services £14k to £21k per year compared to £4k for the average adult. The development supports the Council's commitment to reducing and preventing Rough Sleeping by not only improving on the individual's physical and mental health but reducing cost on the wider public purse.

##### Legal and Human Rights Implications

- 6.5 Legal and Human Rights implications have been taken fully into account in the preparation of this Decision Note and it is believed the recommendations are compatible with Convention rights.
- 6.6 Section 123 of the Local Government Act 1972 requires any disposal of land to be at the best consideration reasonably obtainable, unless the prior approval of the Secretary of State has been obtained. The General Disposal Consent 2003 provides for specific consent not to be required where the local authority considers that a disposal at less than best consideration will help it secure the promotion or improvement of the economic, social or environmental well-being of its area. It is considered that a disposal to Sanctuary Housing Association is within those aims and that specific consent is not therefore required.

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6.7 The lease will be subject to the obtaining of planning and funding remaining available, as well as the usual provisions around insolvency. In addition, there will be a requirement that the development is built in accordance with planning granted, the specification, building regulations and best practice. For added protection to the Council, provisions for 'step-in' rights and collateral warranties from the developer and their professional team will be sought, but may be resisted. A decision will need to be made in the prevailing circumstances as to the extent the Council insists on these provisions.

6.8 It is understood that frequently Homes England want to use their version of a lease and it remains to be seen the extent to which it is possible to insert additional wording.

#### Climate Change Impact

6.9 The recommendations would allow the development of 12 quality, modern and energy efficient homes.

#### Children Looked After Impact

6.10 The Council recognises that Care Leavers do represent a small percentage of the Rough Sleeper population and an increase in appropriate housing solutions will contribute towards a wider housing offer to suit the needs of this cohort.

6.11 There are a number of statutory duties contained within the Homeless Reduction Act 2017 to ensure that this cohort are recognised as a priority.

#### All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

6.12 None specific to this Decision Note have been identified.

#### Diversity Impact Assessment

6.13 A Diversity Impact Assessment (DIA) has been undertaken on the development programme and no adverse impacts were identified. A copy of the DIA can be obtained from the report author.

6.14 A Diversity Impact Assessment (DIA) is available for the Reducing Rough Sleeper Strategy and Preventing Homelessness Strategy which this proposal supports from the report author.



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#### Risk Management

- 6.15 The proposed approach mitigates the risk of not achieving the best price that could be obtained for the site.

#### **7. Consultees**

- 7.1 Corporate Director of Finance and Assets and the Chief Legal Officer (Monitoring Officer) have been consulted in relation to this report.

#### **8. Background Papers**

- 8.1 None

#### **9. Appendices**

- 9.1 Appendix 1: Harding Street – Google Maps Aerial Shot  
9.2 Appendix 2: GIS – Area for Development

#### **10. Declarations of Interest**

- 10.1 Cabinet Members are reminded to consider whether they have any known interests in any of the matters referred to in this Decision Note. If such an interest exists this should be declared to the Monitoring Officer (or Committee and Member Services Manager), and they should take no part in the consideration of the Decision Note and should refer the Decision Note to the Leader of the Council instead for consideration.

#### **11. Sign-off**

- 11.1 The Cabinet Member is requested to respond with 5 days of the date of this report by 26<sup>th</sup> October 2020.
- 11.2 Decisions of Cabinet Members will be published in the Members' Bulletin. The Decision must not be implemented until such time that a five-day "Call-in" period has expired. This date will be specified in the Members Bulletin. If a Decision is "called-in" it will be referred to the Scrutiny Committee for consideration. It must only be implemented if the Scrutiny Committee has raised no objection. If an objection is forthcoming the matter will be referred back to the Decision-Makers.
- 11.3 The Cabinet Members are requested to support the Recommendations set out in Section 2 of this report:

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