

**Report of Richard Marshall**

**Report to Environment and Housing Decision Panel**

**Date: 13 October 2016**

**Subject: Transfer of 215 Belle Isle Road from Children's Services to Housing Leeds to use as Council housing stock.**

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):	Middleton Park	
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, Access to Information Procedure Rule number:		

**Summary of main issues**

215 Belle Isle Road is a purpose built three bedroom semi-detached Council house of traditional construction, circa 1944. It was designated as a caretakers house to be used by the superintendent of the Merlyn Rees High School (MRHS) until 2003. Between 2003 and 2012 it was used as a Behaviour and Education Support Team centre by first the MRHS, then the South Leeds High School and then the South Leeds Academy. When provision ended in the centre the South Leeds Academy used the property as a residential let.

The property was not part of the land transfer when the Academy was set up in September 2009. The school disputed the decision not to transfer it, which led to a Determination by the Schools Adjudicator in November 2015 in favour of it being retained by the Council.

Children's Services have declared the property surplus to their use and consideration through the HILS process recommends it be moved into the Council's housing stock to be let to an applicant on the Leeds homes Register.

- There is a family currently living in the property and they have occupied it since 2013. They are eligible to be a Council tenant and have group A priority on the Leeds Homes Register. They are considered unauthorised occupiers of the property because the Academy had no basis in which to offer them a tenancy. Once the property is brought into the housing stock it is proposed that they will take on a use and occupancy charge until they can find a home suitable for their needs.

## **Recommendations**

- The Director of Environment and Housing is recommended to approve: The transfer of 215 Belle Isle Road into the Council's housing stock and refurbishment to the letting standard.

### **1 Purpose of this report**

- 1.1 To inform the Director of Environment and Housing of a former caretaker's property and children's centre in the Middleton ward of the city, which is surplus to Children's Services use.
- 1.2 To seek approval from the Director of Environment and Housing to accept the transfer of the property into the housing stock.

### **2 Background information**

- 2.1 215 Belle Isle Road is a purpose built three bedroom Council house built circa 1944. It had been designated for use as the home for the caretaker of the Merlyn Rees High School until 2003.
- 2.2 The property was not returned to Council housing in 2003 as Children's Services retained it to use as a Behaviour and Education Support Team (BEST) facility managed by MRHS. The property remained in use as this facility when the MRHS merged with Matthew Murray High School in 2004 and when this school became an academy in 2009. When the academy was established the property was excluded from the transfer of land that followed.
- 2.3 In November 2011 the academy moved the BEST facility from the property but, despite 215 Belle Isle Road not being part of their land transfer, the school retained it and used it as a residential let.
- 2.4 The property then became the point of a formal dispute between the Council and the trust running the academy, which believed that it should have been transferred to them. The dispute reached a resolution in November 2015 when the Schools Adjudicator found in favour of the Council and directed that it be retained by the Council.
- 2.5 The property was let by the trust in 2013 to a family who are eligible for housing by the Council. The family now has six children and the three bedroom property is too small for their housing needs. An award of Group A has been given to their Leeds Homes Register application and officers are working with them to find alternative accommodation.
- 2.6 Currently the occupier is paying no rent for the living at the property but, once it is back in Housing Leeds' control, a use and occupancy account will be set up with a weekly charge equivalent to the rent for an identical property.
- 2.7 Children's Services have declared the property surplus to their use.

### **3 Main issues**

- 3.1 215 Belle Isle Road is a purpose built Council house and naturally fits within the local housing stock. The Belle Isle Management Organisation (BITMO) has stated that they would take on the property as part of their management area.
- 3.2 BITMO officers have estimated that the cost of bringing the property to the letting standard would be in the region of £10,000.
- 3.3 The property will be refurbished to the Council's letting standard and let as either a Secure or Introductory Tenancy on a social rent.

### **4 Corporate Considerations**

#### **4.1 Consultation and Engagement**

- 4.1.1 The BITMO support the move into Social Housing. The property has been through the HILS process and has been recommended for use as Council Housing.

#### **4.2 Equality and Diversity / Cohesion and Integration.**

- 4.2.1 An equality, diversity cohesion and integration screening exercise has been carried out. This has confirmed that equality, diversity, cohesion and integration considerations have been effectively considered in relation to this proposal and that a full impact assessment was not required.

#### **4.3 Council policies and City Priorities**

- 4.3.1 The transfer of the property to relet as affordable housing supports the City Priority 'Best City to Live' to increase the amount of high quality low cost housing in the city.

#### **4.4 Resources and value for money**

- 4.4.1 The estimated refurbishment cost for the property is £10,000. There are no other costs associated with the transfer.
- 4.4.2 The property will be charged at a social rent when let.

#### **4.5 Legal Implications, Access to Information and Call In**

- 4.5.1 There are no legal implications associated with the transfer of the property into the Council's housing stock.
- 4.5.2 Every effort will be made to try and offer suitable accommodation to the current occupant. However, Legal advice is that, as the school did not have the necessary interest in the land in order to grant a tenancy, she is an unauthorised occupier of a Council property. Therefore, any court action, if it was found necessary to gain vacant possession, would be on that basis.

4.5.3 The BITMO will advise that she is an unauthorised occupier in use and occupation only and that this has been her status since it was determined it was the council's property in November 2015. She will pay a weekly occupancy charge set at the level for an identical Council property in the area until she is found accommodation that suits her family's need.

## **4.6 Risk Management**

4.6.1 While the property has been surveyed to assess its condition, there is a risk that unforeseen works are required to it which weren't identified during the stock condition survey.

## **5 Conclusions**

5.1 215 Belle Isle Road is a purpose built Council three bedroom semi-detached home. It was formerly used by Children's Services as a caretaker property and then as a hub for supporting children with educational needs.

5.2 It has been declared surplus to the requirements of Children's Service. The HILS process and officers from the BITMO feel it should be returned to the Council's housing stock.

5.3 There is a family currently living in the property who signed a tenancy with the Academy trust, despite the trust having no legal interest in it. Legal advice, therefore, suggests that the family is an unauthorised occupier of the property. They are currently paying no rent and have been awarded Group A priority as they have six children and are inadequately housed. They will be charged for use and occupancy once the property is transferred into Housing Leeds control.

## **6 Recommendations**

6.1 The Director of Environment and Housing is recommended to approve the following:

- The transfer of 215 Belle Isle Road to the Council's housing stock and refurbishment to the letting standard.

### **Background documents<sup>1</sup>**

None

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<sup>1</sup> The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.