

**Forward Plan reference number:** (if applicable)

<b>Report title:</b> Increase duration of Essex County Council's nomination rights to the specialist housing units at Moulsham Lodge, Chelmsford from 80 years to 250 years	
<b>Report to:</b> Councillor David Finch, Leader of the Council	
<b>Report author:</b> Paul Crick, Director for Capital Investment and Delivery, Tel: 03330 133347, <a href="mailto:paul.crick@essex.gov.uk">paul.crick@essex.gov.uk</a>	
<b>Date:</b> 11 February 2020	<b>For:</b> Decision
<b>Enquiries to:</b> Gwyn Owen, Head of Essex Housing, Tel: 033301 36120, <a href="mailto:gwyn.owen@essex.gov.uk">gwyn.owen@essex.gov.uk</a>	
<b>County Divisions affected:</b> Chelmsford Central	

**1. Purpose of Report**

- 1.1 To ask the Leader to agree that the duration of Essex County Council's nomination rights to the specialist housing units at Moulsham Lodge, Chelmsford be increased from 80 years to 250 years.

**2. Recommendations**

- 2.1 To agree that Essex County Council (ECC) shall have nomination rights to the specialist housing units at Waltham Glen, Moulsham Lodge, Chelmsford for a period of 250 years.

**3. Summary of issue**

- 3.1 There is a shortage of housing across Essex and in Chelmsford. The Waltham Glen site is owned by ECC and was previously used by the Moulsham Lodge Community Group where their former community centre was situated. The site is based in a residential area on and accessed from Waltham Glen. The property is owned freehold by ECC and is surplus to Essex County Council requirements.
- 3.2 A decision was taken in August 2017 via a Cabinet Member Action to award a contract to DCH Construction to develop the site to build 26 housing units (18 private units and 8 affordable units for specialist housing).
- 3.2. Since the decision was taken in August 2017, the following progress has been made:
- 3.2.1. Planning permission was granted by Chelmsford City Council for 26 apartments
- 3.2.2. Demolition and site preparatory works were completed
- 3.2.3. DCH Construction have completed the construction of the housing scheme

3.2.4. Essex County Council has exchanged contracts with a Registered Provider, Chelmer Housing Partnership, to dispose of a Leasehold interest in the affordable units

3.3 Discussion has been entered with Chelmer Housing Partnership in relation to the Nomination rights for ECC while settling the sale contract. Chelmer Housing Partnership have agreed to grant ECC nomination rights for 250 years rather than the original 80 years envisaged by the decision in August 2017. This will align with the leasehold interest in the site and improve ECC's position offering added rights for ECC.

3.3. The key business drivers for developing the site were to:

- Help meet the local housing need through the development of housing;
- Support economic growth and regeneration through the utilisation of surplus brownfield land
- Reduce the need for development on greenbelt and greenfield land;
- Utilise public sector land to provide additional housing units; and
- Generate cash returns and revenue savings to ECC.

## **4. Options**

4.1 Option 1 – change the nominations rights from 80 years to 250 years. This is the recommended option and will enable Essex County Council to continue to nominate people with learning disabilities into the units for a longer period of time.

4.2 Option 2 – do nothing. Essex County Council will be able to nominate people with learning disabilities into the units for a maximum of 80 years.

## **5. Next steps**

Essex Housing will complete the sale of the units to a registered provider with Essex County Council having nomination rights for a period of 250 years.

## **6. Issues for consideration**

### **6.1 Financial implications**

Essex County Council will have nomination rights for 250 years instead of 80 years. This will increase the time that Essex County Council will be able to use the units to help address housing need for people with learning disabilities. There are no cost implications.

### **6.2 Legal implications**

6.2.1. The disposal of properties subject to nomination rights are unlikely to engage the Public Contracts Regulations 2015 (the Regulations) as Regulation

10(1)(a) of the Regulations provides that rights in land fall outside the scope of the Regulations.

- 6.2.1. Nomination rights are only of any value to ECC if prospective residents are able to afford the rent and other charges which they will have to pay – either from their own resources or from housing benefit. The terms of the nomination agreement will cap the rent at a level which can be funded by local housing allowance and, in the event of abolition of this allowance an alternative mechanism will be developed to prevent unaffordable rents being charged. The landlord will not be able to require tenants to purchase care from any particular provider.

## **7. Equality and Diversity implications**

- 7.1 The Public Sector Equality Duty applies to the Council when it makes decisions. The duty requires us to have regard to the need to:
- (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc. on the grounds of a protected characteristic unlawful
  - (b) Advance equality of opportunity between people who share a protected characteristic and those who do not.
  - (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.
- 7.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, gender, and sexual orientation. The Act states that ‘marriage and civil partnership’ is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).
- 7.3 The equality impact assessment indicates that the proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic.

## **8. List of appendices**

- 8.1 Report authorising construction of the Moulsham Lodge, dated 9 August 2017, forward plan reference number FP/883/07/17.
- 8.2 Equality Impact Assessment.

## **9. List of Background papers**

None

<b>I approve the above recommendations set out above for the reasons set out in the report.</b>	<b>Date</b>

*Title of the report – insert the title of the report in the header field*

<b>Councillor David Finch, Leader</b>	<b>11/02/20</b>
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**In consultation with:**

<b>Role</b>	<b>Date</b>
<b>Executive Director for Corporate and Customer Services (S151 Officer)</b>	<b>11/02/20</b>
<b>Stephanie Mitchener on behalf of Nicole Wood</b>	
<b>Director, Legal and Assurance (Monitoring Officer)</b>	<b>11/02/20</b>
<b>Laura Edwards on behalf of Paul Turner</b>	