
PETITION TO CABINET

Responsible Cabinet Member - Councillor John Williams, Leader

**Responsible Director – Cliff Brown, Director of Community Services
Richard Alty, Assistant Chief Executive (Regeneration)**

SUMMARY REPORT

Purpose of the Report

1. The purpose of this report is to present to Cabinet a petition in relation to proposed changes at Victoria House, Darlington.

Summary

2. The Cabinet procedure rules provide that any member of the public may present a petition to Cabinet. The Leader of the Council was presented with a petition on 20 July 2009.
3. The petition relates to the proposal by Cambian Healthcare to provide a Hospital to care for people with mental health needs, the residents are unhappy with this proposal. Cambian Healthcare are a private organisation making a decision as to how to use their own land within Darlington. The Council can only interfere with private land use where the law specifically provides a power to do so.
4. The property called Victoria House has previously been used as a care home. For planning purposes the proposed use of Victoria House as a Hospital for people with mental health needs would be grouped together in the same use class as a care home for people with a learning disability or for the elderly. The change does not therefore require planning permission. The registration and inspection of care homes is no longer regulated by the local authority. Independent Hospitals in England must be registered with the Care Quality Commission. If such Hospitals' registration allows them to accept patients who are liable to be detained under the Mental Health Act, the Care Quality Commission may also visit them and interview such patients in private. CQC as the regulatory body have a statutory responsibility to inspect the facility and this will be the responsibility of the lead inspector for CQC once allocated. Cambian Healthcare have been alerted to the objections and have been in discussion with the Council about the concerns expressed by residents. The Council does not however have any power to decide whether or not the home should operate in Darlington. In addition the council will not be a commissioner in terms of this facility as it provides healthcare and any commissioning relationships will be between Cambrian Healthcare and the relevant funding PCT.

Recommendation

5. It is recommended that Members note the petition and the views expressed by representatives from the Albert Hill area, and the legal positions in relation to planning and registration.

Reasons

6. The recommendation is supported to ensure that the views of residents are considered by Members.

Cliff Brown
Director of Community Services

Richard Alty
Assistant Chief Executive, Regeneration

Background Papers

No Background papers were used in the preparation of this report.

Catherine Whitehead : Extension 2306
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S17 Crime and Disorder	Receipt of the Petition does not have any implication for Crime and Disorder.
Health and Well Being	Receipt of the Petition does not have any implication for Health and Well being
Sustainability	Receipt of the Petition does not have any implications for Sustainability
Diversity	Receipt of the Petition does not have any implications for Diversity
Wards Affected	Central Ward
Groups Affected	Residents of Albert Hill area of Darlington
Budget and Policy Framework	No impact
Key Decision	No
Urgent Decision	No
One Darlington: Perfectly Placed	This proposal does not contribute to the objectives
Efficiency	No impact

MAIN REPORT

Information and Analysis

7. On 20th July 2009 the Leader of the Council received a petition from Mrs Chisman on behalf of the residents of Albert Hill. The petition had the following statement in support.

‘This is part of a petition organised by residents of Albert Hill, against the proposed psychiatric hospital in Barton Street. We think these people should be housed somewhere other than in a built up area. Albert Hill is a compact community with many children and old people. Plus a school, two nursery’s and an old folks home. We do not want them near us.’

8. Cambian Healthcare are the current owners of a property which has previously been used as a care home for adults with a learning disability. Cambian Healthcare are in the process of registering Victoria House Hospital as an ‘Independent Hospital’ with the Care Quality Commission at the time of writing this report.
9. The Council has no powers to intervene in the private use of land unless there is a specific statutory power to regulate the use of the land. As planning authority the Council can regulate land use in certain situations under planning legislation. The Council no longer has powers for the registration and inspection of care homes following a change in legislation.

Planning Considerations

10. The proposal would require permission for a change of use if the new use was different within the meaning of the Use Classes Order.
11. The present use class of Victoria House is C2 (Residential institutions). This means use for the provision of residential accommodation and care to people in need of care. Use as a hospital or nursing home. Use as a residential school, college or training centre. ‘Care’ is defined as meaning: ‘personal care for people in such need of care by reason of old age, disablement, past or present dependence on alcohol or drugs or past or present mental disorder.’ The view of the planning officers is that the proposed use falls within the existing Use Class C2 and therefore a change of use application is not required.
12. It has been suggested that the proposed use falls within a different class. Class C2A Secure residential institutions means use for the provision of secure residential accommodation, including use as a prison, young offenders institution, detention centre, secure training centre, custody centre, short-term holding centre, secure hospital, secure local authority accommodation or use as military barracks. The planning officers do not accept that the new use falls within Class C2A.

Registration and Inspection of Homes

13. Under S. 2(3)(b) of the 2000 Act, Independent Hospitals in England must be registered with the Care Quality Commission, and will be liable to inspection by this body. If such Hospitals’ registration allows them to accept patients who are liable to be detained under the MHA 1983, the Care Quality Commission may also visit them and interview such detained patients in private.

Dialogue with Cambian Healthcare

14. It is recognised that a number of individuals have expressed concerns about the proposal from Cambian Healthcare. As a result the Council have been in discussions with Cambian Healthcare to enable them to address the concerns of residents within the proposal. We are aware from correspondence that the company is responding directly to concerns raised by residents and is planning an open day. The information contained within the leaflet accompanying the petition does not fully reflect the wider issues or the information provided by Cambian Healthcare. The Council can continue with the dialogue between residents and the Cambian Healthcare but has no powers to insist on any action by Cambian Healthcare or to prevent the use proposed.