

## MINUTES

### HOUSING AND COMMUNITY OVERVIEW AND SCRUTINY COMMITTEE

05 DECEMBER 2012

**Present:**

**Councillors:**

Adeleke	Hearn
Adshead	Marshall (Chairman)
Bassadone	McLean
Conway	Rance
Flint	R Sutton

**Also attended:**

M Cook

**Officers:**

Elliott Brooks	Assistant Director, Housing
Fiona Williamson	Group Manager, Property & Place
Jack Burnham	Team Leader, Strategy & Development
Teresa Wood	Housing Options Team Leader
Isabel Connolly	Housing Strategy & Partnerships Officer
Trudi Coston	Member Support Officer, Democratic Services (Minutes)

The meeting began at 7:30 pm

**OS/246/12 MINUTES**

The minutes of the meeting held on 31 October 2012 were agreed by the Members present and then signed by the Chairman.

**OS/247/12 APOLOGIES FOR ABSENCE**

Apologies for absence were received on behalf of Councillors N Hollinghurst and S Mahmood, and S Parker. Councillor Rance substituted for Councillor N Hollinghurst and M Cook substituted for S Parker.

**OS/248/12 DECLARATIONS OF INTEREST**

There were no declarations of interest.

**OS/249/12 PUBLIC PARTICIPATION**

None

**OS/250/12 CONSIDERATION OF ANY MATTER REFERRED TO THE COMMITTEE IN RELATION TO A CALL-IN**

None

**OS/251/12 STRATEGIC TENANCY POLICY**

Jack Burnham introduced the report and explained the consultation process for the Strategic Tenancy Policy had been completed. He said the responses from the consultation were positive and had only resulted in minor changes to the draft document.

Key points of discussion:

Councillor Marshall asked if the Strategic Tenancy Policy document included in the report was the one sent out to consultation. J Burnham confirmed it was.

Councillor Marshall noted the report had some 20 formatting, grammar and typographical errors. In addition there were a number of badly phrased statements and felt it was embarrassing that the draft policy was made available for publication in that state. J Burnham advised they would make the necessary amendments before the policy was finalised.

Councillor Mrs Bassadone highlighted grammatical points within the document that required amendments. She then referred to paragraph 2.9 and sought clarification whether it was at present or when the policy took effect. J Burnham said he would ensure these points were clarified.

Councillor Marshall referred to paragraphs 2.15 and 2.17 and said they conflicted. She said she had raised this point at the meeting in March 2012 and it still had not been clarified. E Brooks advised 2.15 related to the review of a tenancy and 2.17 related to a finalised tenancy. He agreed it needed clarification.

Councillor Marshall asked if the flexible tenancy review policy was in place. J Burnham explained that Andy Vincent (Group Manager, Tenants and Leaseholders) was preparing the flexible tenancy review procedure document. E Brooks added that the flexible tenancy policy was being written alongside the new secure tenancy agreement.

Councillor Marshall referred to paragraph 3.4 and queried where the 80 responses were received. J Burnham replied they were received at the consultation road-show and advised he had a breakdown of the responses if required.

Following E Brooks' suggestion, J Burnham provided a brief overview on the background of the policy and gave details of the proposals for the review procedure.

Councillor Mrs Bassadone queried the make up of the appeals panel. J Burnham replied they propose it to be a staff panel.

M Cook asked what would happen if a change in circumstances occurred before the end of the 5 years. J Burnham explained that nothing would be investigated before the end of the tenancy. M Cook then asked if there would be any criteria on a change in circumstances. J Burnham advised the criteria would be clarified in the procedure document before it is finalised.

Councillor Mrs Bassadone asked if all Councils were adopting a Strategic Tenancy Policy at the same time. J Burnham advised that legislation required the Strategic Tenancy Policy to be in place by April 2013.

Councillor Marshall asked the committee if they were happy with the appeal panel being made up of staff and welcomed any comments.

Councillor Conway asked if the decision made by the review panel would be final or if there would be a further appeal process. J Burnham advised the next stage would be a Court appeal.

Councillor Flint said she would favour a mixed panel of councillors and officers.

Councillor Adshead felt that if staff had already made a decision, they would not overturn it and asked for an example of a scenario where that may happen. E Brooks explained staff

would be required to reassess the appellant's information on their current circumstances and also look at any surrounding issues.

J Burnham added that the officer may have made an incorrect decision and therefore senior management would also be involved in the appeal process to assist.

Councillor Marshall said senior management were already involved in the current appeals process before proceeding to the next stage of a hearing before a panel of members. J Burnham replied he was not aware of any other authority with that procedure but agreed he would look in to it if it would be a preference to members.

Councillor Adeleke said he would feel uncomfortable with a panel made up of staff and felt there should be more flexibility to allow others to be part of the process.

The Committee discussed further and concluded that, whilst senior staff should review a challenged decision, the appeal panel should comprise entirely of councillors.

E Brooks said the review procedure would be presented to the committee at the next meeting.

Councillor Marshall referred to paragraph 1.20 and sought clarification on the different rent levels. J Burnham replied it referred to target rent, social rent and affordable rent. He said he would ensure it's clarified in the final document.

#### Outcome:

The committee agreed not to support the recommendation to approve the policy to the Cabinet in view of the extent of the drafting errors, lack of clarity and unavailability of the Flexible Tenancy Review Policy. This revised Strategic Tenancy Policy and draft review procedure will be added to the work programme for the next meeting in January 2013.

### **OS/252/12 PRINCIPLES OF THE NEW HOUSING ALLOCATIONS POLICY**

Jack Burnham introduced the report and gave a brief explanation on the background for the document. He explained they were strongly advised to review the policy by the CLG guidance for Allocation of Accommodation. He advised there would be an amendment to the proposed timeline on page 7; the draft Allocations Policy would be presented to the Cabinet on 12 February 2013 to incorporate feedback from the Housing & Community Overview and Scrutiny Committee on 23 January 2013. He referred to Appendix 2, which was the proposed new points system, and explained they will be sampling the data on several applications to test the implication.

Isabel Connolly explained the difference between qualifying and non-qualifying classes and how it would affect individuals applying to join the Housing Register. She referred to the proposed new points system and thoroughly explained each of the changes and the reasons for it. She said they were using market surveys to assess needs and work towards managing expectations. It is proposed to have an active register and a deferred list of non-qualifying applicants.

#### Key points of discussion:

Councillor Marshall asked if there was a revised report available to members. On being told there was not, she handed to the Committee members a corrected version of page 16 with the points properly aligned. She strongly recommended that officers take the trouble to check the final printed agenda to ensure that it was correct. She also pointed out that the report had several grammatical errors and there were a number of badly phrased statements.

Councillor Flint asked what would happen if an applicant moved out of the Borough by no fault of their own. She used individuals in foster care as an example. I Connolly explained they propose to consider local connection for applicants that have lived in the Borough for at least 10 years at any point in their lifetime. How this information will be verified is yet to be decided.

Councillor Flint asked if DBC is picking up London residents due to the fact that their rents are being capped. I Connolly explained that a local authority can discharge its housing duty out of area, using the private sector. J Burnham said the LB of Brent is currently doing this and he is working with other London authorities.

Councillor Adeleke sought clarification on the definition of unacceptable behaviour. He also suggested applicants may feel the housing waiting list is ineffective if the length of time points are reduced and therefore their chance is reduced. I Connolly replied unacceptable behaviour would be defined in the policy. She then advised that they did not refer to the Housing Register as a waiting list and that they still recognise the length of time an applicant has been waiting but felt the points allocated for waiting needed to diminish in order to give greater emphasis for points given for housing need.

Councillor Bassadone queried the guidance on Refugees and Asylum Seekers. I Connolly explained that the legislation and rules remained the same and offered no flexibility. She confirmed the policy would contain the details and will be available at the next meeting.

M Cook asked if the pre-tenancy course would be offered to all applicants. I Connolly confirmed it would.

M Cook asked when the TLC would be consulted on the policy. J Burnham advised the consultation was scheduled for 14<sup>th</sup> January 2013.

Councillor Marshall referred to page 16 relating to the LRMP (local risk management panel) and queried if there was an exception for Domestic Violence cases and similar cases where it was essential for the applicant not to have a local connection. I Connolly replied they would assess each application individually. Councillor Marshall said the policy would therefore have to be worded accordingly.

Councillor Marshall asked what the pre-tenancy course included. I Connolly explained that the course was an opportunity to give applicants the necessary details and expectations of a tenancy before reaching the point of an offer. She said it is found to be effective and also reduces the workload pressures on the team.

Councillor Marshall felt that the paragraph on medical points needed to be clearer. T Wood explained applicants would be assessed on the level of severity of their medical condition and the points awarded would reflect that. Councillor Marshall suggested that stating in the policy certain conditions which would not attract medical points is inappropriate because it is possible that an applicant needed to move to be nearer a family member in order to receive support.

Councillor Marshall said the 5th point on page 13 is obviously phrased incorrectly. She also drew attention to other badly phrased statements.

Councillor Adshead sought clarification on local connection criteria for applicants with partners. J Burnham advised that one of the joint applicants would be required to meet the local connection criteria.

Councillor Adshead added that reports should be accurate before being presented to the public and to members.

Officers advised that the policy would be checked by a legally qualified person.

Outcome:

The committee agreed that the draft Housing Allocations Policy was added to the work programme for the next meeting in January 2013.

**OS/253/12 WORK PROGRAMME**

The Committee discussed the work programme and made the following amendments:

January 2013

- Add Strategic Tenancy Policy
- Add Housing Allocations Policy Review
- Add update report on the Gas Servicing Contract

Councillor Marshall said she would look to move some other items out of the January meeting.

March 2013

- Add Youth Connexions Presentation
- Community Alarm monitoring

It was moved by Councillor Marshall and duly seconded to move to Part II of the meeting and to exclude the public.

**OS/254/12 EXCLUSION OF PUBLIC**

That, under s.100A (4) of the Local Government Act 1972 Schedule 12A Part 1 as amended by the Local Government (Access to Information) (Variation) Order 2006 the public be excluded during the item in Part II of the Agenda for this meeting, because it is likely, in view of the nature of the business to be transacted, that if members of the public were present during this item there would be disclosure to them of exempt information relating to: Item 6, That the report contains information relating to the financial or business affairs of any particular person (including the authority holding that information). Local Government Act 1972, Schedule 12A, Part 1, paragraph 3

**OS/255/12 PERFORMANCE REPORT ON THE GAS SERVICING CONTRACT**

Full details can be found in the Part II minutes.

Outcome

The report was noted and an update report was added to the work programme for the next meeting in January 2013.

The meeting ended at 9:33 pm