

## MINUTES

### HOUSING AND COMMUNITY OVERVIEW AND SCRUTINY COMMITTEE

25 JANUARY 2012

**Present:**

**Councillors:**

Adeleke	Mahmood
Bassadone	Marshall (Chairman)
Clark	McLean
Conway	Sutton (Vice-Chairman)
N Hollinghurst	

**Co-Opted Member:**

M Cook

**Also attended:**

Councillor Mrs Griffiths	Portfolio Holder for Housing
Councillor Harden	Portfolio Holder for Residents and Regulatory Services
Mrs Rose Kosmalski	Chair, Tenants & Leaseholders Committee

**Officers:**

E Brooks	Assistant Director, Housing Landlord
J Hedger	Group Manager, Strategic Housing
R McGinley	Group Manager, Regulatory Services
J Still	Group Manager, Resident Services
J Goodridge	Lead Officer, Tenant Involvement
K Stanley	Environmental Health Officer
T Coston	Member Support Officer, Democratic Services
P Duff	Member Support Officer, Democratic Services

The meeting began at 7.35 p.m.

#### **OS/267/12 MINUTES**

The minutes of the meetings held on 30 November 2011 and 14 December 2011 were agreed by the members present and signed by the Chairman.

Councillor Marshall gave the following updates:

Minute OS/231/11 – Quarter Two (Yearly) Performance Update – Housing Landlord – Councillor Marshall thanked the Group Manager, Strategic Housing for advising that people who had not completed the application to re-register on the Housing Register would be written to during January and the application, if renewed, would be backdated as though there had not been a break. This information had been forwarded to Committee members by Councillor Marshall in December.

Minute OS/257/11- Housing Revenue Account – Self Financing. The Corporate Director, Housing and Regeneration has since advised that the Department for Communities and Local Government had been informed verbally, not in writing, that DBC's rents would not reach target until about 2020.

Councillor Marshall also thanked officers for ensuring that the Quarter 3 Performance Reports were being reported this evening, instead of March.

**OS/268/12 APOLOGIES FOR ABSENCE**

Apologies for absence were received on behalf of Councillors Adshead, Flint, Hearn, Organ and S Parker.

Councillor Clark substituted for Councillor Hearn.

M Cook substituted for S Parker.

**OS/269/12 DECLARATIONS OF INTEREST**

None.

**OS/270/12 PUBLIC PARTICIPATION**

Rose Kosmalski, Chair of the Tenant & Leaseholder Committee, made a statement regarding the Tenant and Leaseholder Committee review (minute OS/272/12).

**OS/271/12 CONSIDERATION OF ANY MATTER REFERRED TO THE COMMITTEE IN RELATION TO A CALL-IN**

None

**OS/272/12 REVIEW OF TENANT AND LEASEHOLDER COMMITTEE AND THE WIDER TENANT INVOLVEMENT ARRANGEMENT**

Rose Kosmalski, Chair of the Tenant Leaseholder Committee, made the following statement.

This followed on from the officer's report and some recommendations have been brought to the committee to be considered.

When the review first started, it was just a review of the Tenant Leaseholder Committee. New regulations came in regarding scrutiny panels so officers thought it was a good opportunity to combine the two. The actual review took a back seat to the restructure.

The working panel consisted of the 3 Sub Gov members and myself as Chair, along with officers. Two of the Sub Gov pulled out due to ill health. In hindsight the working groups should have requested that two more members from the Tenant Leaseholder Committee come along as replacements.

Because it was the Council's review, it was thought that the restructure should be for information only to the Tenant and Leaseholder Committee. Again, in hindsight, if it was just the review then it should be for information but because it turned into a restructure it would have been more helpful if the Tenant Leaseholder Committee was consulted on the restructure.

Recommendations:

- Terms of Reference for all groups to be strengthened to make sure everyone knows what their roles are.
- Before setting up any new panels to have a consultation with a wider body of tenants to see if there would be support for area panels.
- Set up (if there is support) area panels one by one and let them run for at least 12 months before setting up any more.
- To keep membership of the Tenant Leaseholder Committee at 15, not everyone attends.
- The Tenant and Leaseholder Committee, with officers, to discuss the Sub Gov as soon as possible and come up with a solution that everyone is happy with.
- Before the Scrutiny Panel and Area Panels are set up we need clear and defined mechanisms for reporting back to the Tenant and Leaseholder Committee. If necessary to hold off setting up these groups.
- Executive Panel – these also need clear terms and how to report back to the Tenant Leaseholder Committee and the Council. Have these before the group is set up.
- We need the Council to give us clear and defined terms of how we can hold them to account. As this is local government and you are elected members the decisions that you make lie with you. But how do we hold you, the Council, to account? We need these in clear and ambiguous terms.

Councillors Mrs Griffiths and Mahmood arrived at 7.44 pm.

The committee considered the Review of Tenant and Leaseholder Committee and the wider tenant involvement arrangements. The notes of the Tenants & Leaseholder Committee (TLC) meeting of the 20 January on this item had been circulated to Committee members previously and the Lead Officer, Tenant Involvement, introduced the Officers' report.

The officers had been working with the Government Sub-Committee of the TLC and consulted with the TLC and the feedback had been incorporated in the officers' report. It was proposed to consult tenants more widely on the structure and it was not envisaged the new structure would be in place before January 2013. However, it is proposed to have new Terms of Reference for the Tenant and Leaseholder Committee by April 2012 prior to consulting on the new structure.

The Council needed to ensure it was in agreement with tenants and that it complied with the Tenant Services Authority regulatory framework and with the Localism Act.

#### Key points of discussion

Councillor Marshall expressed concern about the timescale of having the structure in place by January 2013 and the new Tenants and Leaseholder Committee (TLC) in place by April 2012.

The Lead Officer, Tenant Involvement, said that the new Terms of Reference for the new TLC would be in place in April 2012. The role of the TLC would be to take a more high level strategic view.

Councillor N Hollinghurst said the Localism Act was not good at devolving decision making power and the Council would have to take the initiative to do this. What powers the Council would want to devolve would need considerable discussion as the Council would have responsibility for what was done.

The Lead Officer, Tenant Involvement, said a three year strategy for tenant involvement would be put in place. It was proposed that the Housing and Community Overview and Scrutiny Committee would receive updates during this review.

The Portfolio Holder for Housing advised that this would be a moving document. It was important to have revised Terms of Reference for the TLC first. The Portfolio Holder confirmed that the revised Terms of Reference for the TLC would be a Portfolio Holder decision and would be taken during March.

Councillor Marshall said the Terms of Reference and the new TLC should be part of the development of the larger framework. She questioned why the new TLC should be established before the remainder of the structure of wider tenant involvement had been decided upon.

The Portfolio Holder for Housing confirmed that the main decision would be on the Terms of Reference and the new TLC. Everything after that would be up for discussion. The framework would change. This would be a starting point and then it would evolve with the tenants and leaseholders involved in it. They would be asked if they liked the framework. Some things had to be in there such as the scrutiny arrangement.

Councillor Bassadone asked where the Local Area Panels 1 – 4 represented (page 53 of the report). At the moment the Council had 15 people working actively and it should want to keep them on board.

The Lead Officer, Tenant Involvement, said that, regarding the structure, best practice had been looked at. Because of the area of Dacorum, the Council wanted to ensure all tenants' and leaseholders' views were represented. Anybody interested in getting involved could form a Local Area Panel. It was important to have local grass roots involvement all the way through and this would enable someone to go up to the TLC.

Councillor Marshall asked what power the Local Area Panels would have.

The Lead Officer, Tenant Involvement, said she would like to have some budget for estate improvement but ideas would come from local tenants and leaseholders. There could be defined local offers for defined local areas.

Councillor Marshall said it was being suggested that the Terms of Reference for the new TLC would actively prohibit that area of work even though the powers of Local Area Panels and what those Panels would be doing had not yet been worked out. The whole scheme of tenant involvement should be looked at as a whole.

The Lead Officer, Tenant Involvement, said this was a starting point and the Council did not want to be too prescriptive on the Local Area Panels. These would evolve naturally within the local areas, The TLC would have a more high level role and would have an overview rather than be dealing with the detail.

Councillor Marshall asked if further consultation would take place with the TLC before the Portfolio Holder made a decision in March.

The Assistant Director, Housing Landlord, said he would take the comments from this evening's meeting back to the TLC on 27 February.

Councillor Marshall referred to the statement in the report that the Council was required by law to devolve power down and she asked what the statutory authority was.

The Lead Officer, Tenant Involvement, said it was the Department of Communities and Local Government within the Localism Act.

Councillor Marshall said that very little of the Act had been implemented and asked where the Complaints Panel (for housing disputes), prescribed in the Localism Act, figured in the scheme and how it fitted with the Council's constitution.

The Assistant Director, Housing Landlord, said the Complaints Panel did not have to be in place until 2013 and work was being done to investigate the best format but that was not seen currently as sitting with the TLC. This was on the agenda as it had to be in place by 2013.

Councillor Hollinghurst said Localism was very strong on soft areas but not so clear when it came to authority being devolved down. The Council remained as the housing and planning authority and were not going to get help from the Localism Bill to devolve down.

The Assistant Director, Housing Landlord, said the revision of the structure was trying to address the changes in the Locality framework. There would be no Audit Commission or Tenant Services Authority. The Homes and Communities Agency will expect local authorities to enable scrutiny to be undertaken by the tenants and the Council. The TLC had been in place for a year and it would be wrong to say it had scrutinised the Council's service. The idea of the new structure was to keep the TLC and reduce it in size to make it more effective. Something had to be put in place at the top level to fit other things around. The proposed tenant and leaseholder involvement structure (page 51 of the agenda) detailed how consultation downwards would take place.

The TLC should be advising the Council of the direction of the service after consulting with residents. The Council needed to broaden the net of tenant involvement and the TLC would help with this.

Councillor Marshall asked if it was the intention to disband the current TLC.

The Portfolio Holder for Housing said the current TLC would morph into the new one. Members of the TLC could not be on the Tenant Scrutiny Panel and people would make their choice. If there were not so many meetings, more people may be interested.

Councillor Mahmood agreed with devolved power to the tenants but expressed concern regarding

- how everybody would be represented on the new TLC with just 12 members.
- how often membership was reviewed
- if different skills were represented on the TLC

The Assistant Director, Housing Landlord, replied that when the TLC was first set up, it was representative of the areas. The Council had a database of people who expressed interest in being involved and they were being contacted. The makeup of the group was being considered but currently it was a very well mixed and the original candidates were of a high standard. The TLC usually discussed issues important to tenants rather than areas. The Chair and Deputy Chair were elected every year and could only be in the position for three years. There were no reviews of membership but there were other groups that residents could get involved in.

Councillor Mahmood was concerned that the issues of one area would not be same as for others.

Councillor Marshall asked why it was felt necessary to forbid members of the Tenant Scrutiny Panel from being involved in any other group in the structure.

The Lead Officer, Tenant Involvement, replied that the Tenancy Scrutiny Panel was a stand alone group because it would be looking at things in depth. It would have access to best practice and staff to formulate some recommendations and make judgements on how good or bad the service was. They would report back to the TLC who would decide which recommendations to take forward to Landlord Services for action.

Councillor Marshall felt the scheme had not been thought through. Any power the TLC had must fit in with the DBC Constitution and the power of the TLC must also fit in with the rest of the structure for wider tenant involvement.

The Assistant Director, Housing Landlord, said more power could not be given to the TLC as there was a decision making process within the Council. When there was a decision to be made at officer, Cabinet or Portfolio Holder level, it would have the influence of the TLC and the assurance that tenants had been involved. It was envisaged that there would be local budgets within the remit of the current structure.

Councillor Marshall asked why the Neighbourhood Action Groups, the Local Area Panels and the Tenant and Leaseholder Association were not being linked to the TLC in the involvement structure.

The Lead Officer, Tenant Involvement, said the Council would like that linkage so that local knowledge was available to the TLC to give them a good understanding of tenants' thinking.

The Portfolio Holder for Housing said that when the TLC is formed, it is important not to duplicate work done by different groups. The Council had to be mindful that the Housing budget was ring fenced.

Councillor Mahmood asked if there was provision for elected members to be involved.

The Lead Officer, Tenant Involvement, suggested that ward councillors could ask tenants to invite them to the meetings.

Councillor McLean said these were big changes that were somewhat confused but that, as long as the two recommendations in the report were adhered to it could evolve and changes could be influenced accordingly.

Councillor Marshall supported the development but there were too many question marks to support what was being proposed.

Councillor Sutton asked Rose Kosmalski if she was happy with the proposal.

Ms Kosmalski said the TLC had asked how it could hold the Council to account for the recommendations the TLC put forward for the Council to make a decision. This question had not been answered. Elected councillors have a Constitution that says they are accountable to the wider tenants. If the TLC wanted to hold councillors to account, would they do it the same way as the whole of the borough?

The Portfolio Holder for Housing said that, with the transfer of the housing stock going back to Dacorum, with a debt, it was important that this structure was in place from 1 April. If this committee did not look at this until March, how could the TLC be consulted about the revised provisions? The Portfolio Holder decision would be made but the Overview and Scrutiny Committee may not be reviewing it until later on in the process.

Regarding scrutiny of the TLC members, the Portfolio Holder for Housing could be called before the Tenant Scrutiny Panel.

Councillor Marshall said it could be considered by the TLC in February and by the OSC in March and then a decision could be made. Her view was that, at this point in the process, it was impossible for members to support the new structure as there has been insufficient thought given on how the new structure as a whole would work and how it would interact with the Council, and no thought had been given regarding the Council's constitution.

Councillor McLean, seconded by Councillor Bassadone, proposed that the recommendations as detailed in the report be approved.

#### Voting

3 for; 6 against

Councillor Marshall, seconded by Councillor Hollinghurst, proposed that the following recommendation be approved:

1. That the Committee, at this stage, is unable to support the proposals and requires this issue to be brought back to the Housing and Communities Overview and Scrutiny Committee at its meeting on 21 March 2012 after further work and consultation is carried out.

#### Voting

6 for; 3 against.

#### Actions

The Assistant Director, Housing Landlord, to bring back a report detailing a workable model to the 21 March 2012 meeting, having consulted with everyone and with the constitutional aspects thought through.

#### Outcome

That this issue be brought back to the Housing and Communities Overview and Scrutiny Committee at its meeting on 21 March 2012.

### OS/273/1 QUARTER THREE PERFORMANCE REPORT – REGULATORY SERVICES

The Group Manager, Regulatory Services introduced the report and highlighted two areas:

- The launch of the National Food Hygiene Rating Scheme
- The Council's successful prosecution of a food business for food hygiene offences. The fine was £4k plus costs.

The Launch of National Food Hygiene Rating System: Kate Stanley gave a short presentation to introduce the launch of the new national scheme. Environmental Health Officers have inspected approximately 850 premises in Dacorum which included restaurants, takeaways, cafes, pubs, hotels, supermarkets, schools and any other premises you can eat or buy food. Once inspected, the premises were given a score between 0-5 and will be given stickers and a certificate with the score clearly shown. The owner/manager will be asked to

display these on the premises so members of the public can see the scoring but this is not mandatory. Members of the public will be encouraged to contact Environmental Health if they have any concerns about any premises, no matter what score has previously been given.

The committee considered the performance report

#### Key points of discussion

Councillor Sutton asked if the public could pass on any concerns they had about, say, an establishment that had scored 5 stars.

The Environmental Health Officer said members of the public would be encouraged to contact Environmental Health about any issues and these would be investigated. There would be a reporting mechanism to the Food Safety Team and there would be a Q and A page on the DBC website concerning the scheme.

In response to a question from Councillor Adeleke, the Environmental Health Officer said that the minimum score was 0. This would be in the high risk band and an establishment would be inspected frequently and notices could be served if there was an imminent risk. All powers under food safety legislation would be used to ensure poor performing businesses complied with regulations. The enforcement policy looked at previous history. If there was an imminent risk, an emergency prohibition notice would be served and the business would be taken to Court.

The Portfolio Holder for Residents and Regulatory Services asked if this extended to the way businesses disposed of waste food, particularly oil.

The Environmental Health Officer confirmed that it was part of the inspection remit to cover waste disposal.

Councillor Marshall asked if an appeal by a business would prevent publication of their score on the website.

The Environmental Health Officer advised that a business would have to appeal within 14 days of receiving their rating. After that time their rating would stay. This would be looked into by food safety officer and team leader to discuss any changes and this has to be dealt with in 7 days. If their appeal was not successful, their rating would be displayed on the national website. If standards continue to worsen at any premises, environmental health can prosecute as they could in the normal way.

Councillor Marshall asked if the Council had the power to decide not to publicise the low rating if the business decided to go to judicial review.

The Environmental Health Officer said that the review would be on the website even if the business complained about the Council's procedure after 7 days had passed.

Cllr Bassadone asked how often the inspections would be carried out.

The Environmental Health Officer responded that it depended on the score. If a score of 5 had been given, an inspection would be done every 18 months. If a low score was given and they had concerns, inspections would be done every 6-12 months.

Councillor Mahmood asked about the cost of the scheme.



The Environmental Health Officer advised that a grant was provided to launch the scheme and there was additional funding from the Food Standards Agency if required.

The Group Manager, Regulatory Services, added that there was nothing new about the food inspection programme. Inspections had always been carried out but this was additional to try to improve standards. All inspections had been carried out and were up to date as shown in the statistics provided. Food providers were being encouraged to promote their scores. All scores were available on the website. Schools were also rated.

There will be an article in Dacorum Digest with details of the new system and there will also be a Questions & Answers page on the website.

There is a launch event being held on Wednesday 29<sup>th</sup> February 2012 to publicise the launch. This would involve presentations to some local businesses who have achieved ratings of 5.

### **OS/275/12 QUARTER THREE PERFORMANCE REPORT – RESIDENTS SERVICE**

The committee considered the quarter three performance report for resident services.

The Group Manager, Resident Services, highlighted two points:

- AC01 – The total was 15,930 in the last quarter.
- CYP02 – Berkhamsted Youth Council took part in a participatory budget exercise, the first in the country. £51k of funding was allocated through the process. More details were available.

#### Key points of discussion

In response to a question from Councillor Mahmood, the Group Manager, Resident Services, said that information regarding the route of the Olympic torch was restricted until two weeks in advance of the event. All people involved were being asked to sign non-disclosure agreements. A lot of people have expressed interest and Scouts, Cubs, Brownies and Girl Guides are to be involved.

Councillor Sutton highlighted that there were Christmas lights in Leverstock Green organised by the Leverstock Green Village Association.

Councillor Hollinghurst suggested the new target on anti-social behaviour should be 102.

The Group Manager, Resident Services, said the number of arrests should not be a performance indicator. The problems in CCTV areas had been lower than anticipated but there had been an increase in burglary in streets without CCTV.

Councillor McLean asked if there was a procedure for dealing with dangerous dogs.

The Group Manager, Resident Services, advised that the Anti-Social Behaviour Act gave the Council power to deal with dangerous dogs. The team worked closely with the Group Manager, Regulatory Services, and the Dog Warden. The Dangerous Dogs Act was a narrow piece of legislation.

Councillor Marshall asked if there were any reports regarding anti-social behaviour in the Water Gardens.

The Group Manager, Resident Services said street drinkers had been an issue. The CCTV cameras captured some incidents and people were encouraged to report any problems.

Councillor Mahmood asked how the rubbish in the bus station from nightclubbers could be dealt with.

The Group Manager, Resident Services, said her team worked closely with the Licensing Department and the Police. A lot of the anti-social behaviour was picked up.

### **Outcome**

That the report be noted.

### **OS/275/12 QUARTER THREE PERFORMANCE REPORT – SPORTSPACE**

The committee considered the quarter three performance report for Sportspace.

Councillor Marshall asked that, as Dave Gill, the Group Manager, Partnerships and Citizen Insight, was unable to attend this evening, any questions should be emailed to him. .

Councillor Marshall noted that figures regarding comparisons with other sport centres had been emailed to members in December and asked that these be reported annually or 6-monthly.

The Portfolio Holder for Residents and Regulatory Services said he was speaking to Sportspace about indicators that might be beneficial to the Council and asked members to tell Dave Gill and himself of any concerns.

### **Outcome**

That the report be noted.

### **OS/276/12 QUARTER THREE PERFORMANCE REPORT – HOUSING LANDLORD**

The committee considered the quarter three performance report for Housing Landlord.

#### **Key points of discussion**

Councillor Marshall asked if the targets on the average time to re-let adapted property should be revised.

The Assistant Director, Housing Landlord, said discussions had been taking place with the Portfolio Holder about splitting sheltered and adapted properties. There would be three PIs for voids.

Councillor Marshall asked why the Council could collect as a percentage more rents than we could charge.

The Assistant Director, Housing Landlord, said the payments would be set against outstanding arrears.

Councillor Bassadone said she had enjoyed the Annual Tenants Conference and the staff had worked very hard. This event had been planned jointly with the TLC.

Councillor N Hollinghurst was pleased to see the re-let time had gone down but was concerned that properties must still be properly prepared for the next tenant.

The Assistant Director, Housing Landlord, said the Empty Homes Working Group were helping voids to be turned around quicker and to a higher standard.

Councillor Marshall noted that the percentage of urgent repairs completed within the Government time limits was poor because of reporting inaccuracies. When a person's rings in they should be questioned to establish the urgency.

The Assistant Director, Housing Landlord, said this was a training issue with Eldercare and communication with the Contact Centre. There should be an interrogation of the caller to ensure the repair was urgent. This was being dealt with.

### **Outcome**

That the report be noted.

### **OS/276/12 FINANCIAL QUARTERLY REPORT**

#### Outcome

Housing and Community Overview & Scrutiny panel agreed this report would be deferred and discussed at the Joint OSC on 2<sup>nd</sup> February 2012.

### **OS/278/12 STRATEGIC HOUSING UPDATE REPORT**

The committee considered the Strategic Housing Update Report. The Group Manager, Strategic Housing said the position needed to be clarified, particularly the flexible tenancies. The Council would not be issuing these until it had the Strategic Tenancy Policy in place. Work on the Housing Allocations Policy and Homeless Strategy will be delayed due to work on the Strategic Tenancy Policy. Both items will be discussed in June's Overview and Scrutiny meeting.

#### Key points of discussion

Councillor Bassadone pointed out that the dates on the proposed new policy timeline were incorrect as it stated 2011 instead of 2012. The Group Manager, Strategic Housing, will amend to correct year. The dates listed in Appendix A of the report should 2012.

The Group Manager, Strategic Housing, confirmed that a draft Strategic Tenancy Policy, incorporating flexible tenancies, would be going to Cabinet at the end of March. If agreed, it would go out for consultation, including the TLC.

Councillor N Hollinghurst said the Gazette had reported a drop in the number of people on the waiting list since the new procedure had been introduced.

The Group Manager, Strategic Housing, confirmed that number of applications for the Housing Register had increased to around 3,500 and were continuing to rise. Additional staffing resources had been put in place. There would be regular updates on this.

Cllr Marshall asked Julia Hedger if all the recommendations were agreed at the Strategic Planning & Environment OSC the night before.

The Group Manager, Strategic Housing, confirmed that they were agreed. Committee agreed recommendations.

#### Outcome

1. Not to issue Flexible Tenancies on DBC stock until the Strategic Tenancy Policy and any linked policies have been adopted by Cabinet.
2. To expect Affordable Rent properties to be let following the council's existing Allocations Policy and following existing nominations agreements.
3. To write the Council's Housing Strategy as a live document that contains key points from the suite of DBC housing policies.

#### **OS/279/12 WORK PROGRAMME**

The committee considered the work programme and made the following amendments;

#### 21 March 2012

1. Review of Tenant and Leaseholder Committee and the Wider Tenant Involvement Arrangements – extra report.
2. Strategic Tenancy Policy

#### April/May – extra meeting requested by the Committee

3. Self Financing of the Housing Service - from pending items

#### 20 June 2012

4. Choice Based Lettings and Housing Allocations Policy Review – moved from March
5. Review of Homelessness Strategy – moved from March

The meeting ended at 9:30 pm