

## MINUTES

### HOUSING AND COMMUNITY OVERVIEW AND SCRUTINY

WEDNESDAY 19 JULY 2023

**Present:**

**Members:**

**Councillors:** Barry-Mears (Chair)  
Cox  
Johnson  
Pesch  
B Williams  
Banks  
Link  
Pringle  
C Link  
Weston

**Others:**

Councillor Dhyani Portfolio Holder – Housing & Property Services

**Also Attendance:**

Natasha Beresford Communities	Assistant Director - Housing Operations & Safe
Mark Pinnell	Assistant Director Property (Via Teams)
Rebecca Clarke	Private Sector Housing Manager
Oliver Jackson	Head of Housing Operations
Paul Hunt	Housing Needs Manager
Kayley Johnston	Corporate & Democratic Support Officer (minutes)
Darren Welsh	Chief Housing Officer
Diane Southam	Assistant Director - Place, Communities and Enterprise

The meeting began at 7.00 pm

**44** **APOLOGIES FOR ABSENCE**

Councillor Weston substituted on behalf of Councillor Capozzi. Councillor Stevens substituted on behalf of Councillor McAreyve. Apologies received from Councillor Adeleke, C Link, Mottershead and Barradell.

**45** **DECLARATIONS OF INTEREST**

There were no declarations of interest.

**46** **PUBLIC PARTICIPATION**

There was no public participation.

**47** **CONSIDERATION OF ANY MATTER REFERRED TO THE COMMITTEE IN RELATION TO CALL-IN**

None

**48** **ACTION POINTS**

The Chair noted that all action points were completed and none were outstanding.

**49** **ALLOCATIONS FRAMEWORK UPDATE**

NBeresford reminded the members that a number of questions had arisen out of policy discussions in the previous meeting relating to the Housing Allocations Policy and framework. She explained that the Housing Allocations Policy in current use had been adopted in October 2021 and fully implemented in July 2022. She clarified that this would relate to DBC's own retained housing stock, new-build stock, 100% of nominations for local accommodation providers in Dacorum, and 75% of re-lets for registered providers.

The paper was taken as read and questions were invited from members.

Cllr Pringle raised concerns regarding the flexibility available for situations where a child was shared between 2 parents, potentially with only an informal agreement in place. She referenced a case where a mother was forced to move after her primary-aged child elected to live with the other parent. NBeresford noted that it was not common practice for a local authority to force a tenant to move as a result of a child moving from their home, but there could be circumstances where it became unaffordable due to the Bedroom Tax or loss of benefits. She noted that households would be supported to access advice and each situation assessed on its individual merits.

Cllr Pringle queried how soon the Bedroom Tax became applicable in situations where a child changed residence, given the possibility of the child changing their mind. She questioned whether there should be an inquiry held before any permanent decisions. NBeresford explained that the housing needs team would work to ensure advice and assistance were provided, but it was ultimately the household's responsibility to act on it. She stated that the process was not necessarily that quick and officers would alert relevant organisations if concerned about situations that arose during a case. PHunt further noted a need to sometimes liaise with both parents and also the child's school to gain a better understanding, and referenced cases with one parent living outside of the borough where the primary residence might be determined to be with that parent. Cllr Pringle noted the necessity for hard choices that might not be made if a parent was fully funded and represented in family court. NBeresford agreed and emphasised the importance of working with partners and other services rather than taking decisions in isolation.

Cllr Weston asked about whether decisions made to update the policy could come back for scrutiny by the committee again and again. NBeresford clarified that this was not a decision-making process but an information paper, and would not be going forward to Cabinet for any decisions.

Cllr Weston asked for clarification of a reference on page 6 to the housing needs team receiving 600 retained homes annually for re-letting. NBeresford explained that these were not new homes, but empty homes coming back for re-letting after the end of a tenancy.

Cllr Weston referred to item 3.3 on page 6, regarding the Localism Act allowing the council to manage unrealistic expectations of applicants with little prospect of being allocated a property. She asked how this was being managed. NBeresford explained the team engaged daily with applicants to discuss their prospects, and provided advice and support to those who had means to purchase a home or privately rent instead. She noted that cases of households contriving circumstances to gain access were thankfully rare but it was important to be alert to this and engage proactively with corporate anti-fraud teams. PHunt also raised the use of sharing points to give typically younger, single applicants still living with parents greater opportunity to access accommodation via extra points for sharing a bathroom and kitchen facilities.

Cllr Weston asked about a statement in the report that applicants had to have lived in Dacorum for 10 years to be able to go on the housing register. PHunt explained that 10 years has been the criteria for the last 6 to 8 years and had been something the previous administration favoured. NBeresford noted that legislation around localism did not give specific rules as to how local authorities should define local connection. She highlighted that the Homeless Legislation Framework had a lower threshold, requiring a demonstrated residence for 6 out of the last 13 months or 3 of the last 5 years, and that permanent employment of at least 12 months also went towards

proving local connection. She stated that there was no hard and fast ruling and they did have flexibility to identify exceptions where necessary.

Cllr Weston asked whether the figures regarding applicants' income given on page 7, item 2.3, had been adjusted for cost-of-living increases in the last 6 months. PHunt confirmed that Assistant Director David Barrett had arranged an affordability assessment through the housing development team and an extra 10% had been added on top. NBeresford explained they had worked with an external consultancy to support their assessment of the market, incorporating private sector information as well as social and affordable rents, and that the team were able to put each applicant's data into a tool to determine affordability. She stated that it would be possible to demonstrate this for councillors in future if desired.

Cllr Weston queried how the numbers of points allocated for different factors were determined. NBeresford noted that this was something that would probably require an additional session to cover in depth. She explained that some particularly high levels of points were due to extremely high medical need or serious urgency to move.

Cllr Stevens asked for clarification that the points measure allowed someone in higher need to qualify ahead of others bidding on the same property. NBeresford confirmed that this was the case.

Cllr Stevens noted the need for applicants to research before bidding as turning the property down would see them removed from the list for a while, and asked how they got back on the list. PHunt explained that they would be suspended for 6 months but would then be eligible to bid again afterwards. He further noted that there was flexibility to avoid suspending applicants if there was an underlying reason why the property was genuinely unsuitable.

Cllr Pesch stated her unhappiness with the 10-year requirement, and queried whether this was a general thing throughout the country. NBeresford clarified that it was a local policy, and that this was one of the elements of the policy that could be revisited in the future if members had strong feelings about it.

Cllr Pesch asked whether parents owning their own home affected the eligibility of their children to go on the housing list. NBeresford explained that as long as the applicant had an identified housing need, parental accommodation status was irrelevant.

Cllr Pesch asked whether applicants were able to go in and view properties before bidding. NBeresford explained that the home was advertised with as much information as possible, typically including internal pictures, but it was not possible to view the property at this stage as it might still be occupied or subject to empty homes work. PHunt explained that once an allocation was completed and the property ready, the applicant would be given the opportunity to view it and decide whether it

was suitable. He confirmed that the use of virtual viewings during COVID had now been reverted and visits to properties resumed. Cllr Banks commended the thoroughness of the information provided to the prospective tenants on viewings she had accompanied.

Cllr Pringle raised a concern about requirements to put certain things in writing being exclusionary towards those who had difficulties with written English. NBeresford confirmed that it was common for officers to undertake home visits to support applicants through the process and to use local interpreting services where needed.

Cllr Pringle raised the loss of housing stock due to right to buy, and queried whether there was any way of mitigating the policy. NBeresford clarified that since this was a central government policy, the Allocations Policy did not have flexibility over this except in cases where the homes were being developed by a development company rather than the landlord service directly.

Cllr Weston queried the situation covered on page 32 regarding living accommodation for former members of the armed forces. NBeresford confirmed that those who ceased to be entitled to accommodation through the Ministry of Defence due to a change in circumstances would be prioritised for housing. PHunt noted that the council was signed up to the Armed Forces Covenant, and that members of the armed forces within 5 years of discharge were exempted from local connection criteria.

Cllr Weston queried a reference to applicants being awarded points by a housing panel in cases where they were underusing occupation and Dacorum required the property back. PHunt gave the example of someone who had been living in their parents' 2- or 3-bedroom property their whole life being supported to move into a 1-bedroom property after both parents had died. NBeresford noted that these were fairly unusual cases that generally arose after the succession rights had already passed. Cllr Weston explained the wording had caused her concern about people being thrown out or made homeless, and PHunt clarified that it was just about housing the family with the right level of bedrooms required and supporting that person in moving.

**ACTION:** To take to the Membership Development Steering Group the need for a session on the whole points system.

## **50                    TAM COMMISSIONING UPDATE**

DWelsh introduced an update by MPinnell on the re-procurement of housing-related property contracts, noting that there would be more detailed reports coming in the course of the next 12 months.

MPinnell presented the Total Asset Management Contract Procurement Update, explaining that the current TAM had been with Osborne Property Services since July 2014, with an estimated total spend circa £23.5 million per annum. He stated that this contract had been extended 12 months to 30th June 2025 to allow a comprehensive procurement exercise, with the built-in option to extend another 12. He also noted the council had 6 other agreements to cover mechanical and electrical services with a total annual value of £6.2 million, including domestic gas maintenance at circa £3.8 million. An additional number of informal agreements totalling £3 million were in place to cope with demand beyond Osborne's capacity for specialist repairs.

MPinnell noted that the strategy was currently in the commissioning phase. He stressed that with escalating costs in the construction industry, costs were expected to significantly increase, which would be a challenge given capped grants. He explained that the tender phase would invite bidders to submit proposals over a timeline from December to October 2024, noting that all timelines were indicative at this stage due to a number of unknowns.

MPinnell also discussed the gas and maintenance contract, currently covered by Sun Realm and due to expire 31st March 2024, and the commercial contract with Orion Heating, due to end 30th June 2025. He explained that both contracts would be procured ahead of the TAM contract in separate lots, with the key outcome being to move to a single heating maintenance contract with a contractor who could also deal with new technologies beyond gas.

MPinnell also noted that a service improvement plan was being implemented, and that there had been a drop in the amount of time to turn around empty properties. He explained that as part of the contract extension with Osborne they had negotiated an ability to move underperforming areas of work to other contractors if necessary.

Cllr Stevens asked whether data about residents' issues in the pipeline would remain with Osborne or be handed over to the new contractor in the transition. MPinnell clarified that this data would sit with Dacorum, and that all the data Osborne held was currently being migrated over to their systems.

Cllr Pringle noted it was good that the contract had been rewritten to allow work to be reallocated to another provider, but that practicalities made this challenging. She asked whether there were incentives or penalty clauses in place to help prevent any breach of contract, or compensation for residents in the event of this. MPinnell clarified that this reallocation of work away from Osborne would be substantial packages of work such as the entire kitchen programme. He also stated that Osborne had removed the previous account manager and contact centre manager at his request and recruited new staff to replace them. He explained that DBC were currently drawing up a compensation policy as a wider piece of work, to include an amendment or separate policy

specifically addressing repairs, which would come through the relevant committees for comment.

Cllr Pringle raised concerns regarding the current improvement in Osborne's service level potentially lapsing once the contract had been re-awarded, and asked whether it would be possible to end the contract in the event they failed to meet contractual obligations. MPinnell confirmed that the new contract would give the council new abilities to impose break clauses, increase scrutiny and implement financial penalties, and noted that Dacorum was working to increase capacity and tenacity on their end to put the customer at the centre of decisions.

Cllr Weston asked if rising costs could mean DBC would have to source more money towards Osborne during the remainder of their contract. MPinnell clarified that new rates had been negotiated with Osborne for the extension at an increase of about 28%, and there would be no further rate increases for any contractors. He noted, however, that the gas contract going out to tender was expected to come in costing more than the existing one.

Cllr Stevens asked whether the TAM heating contract covered community centres and if the new contractors would be capable of bringing in new technologies such as heat pumps to replace current heating systems. MPinnell clarified that they were different contracts, but noted that the sheltered scheme were already having systems upgraded at a cost of about £250,000 a system, with 2 or 3 already replaced. He stated that the same applied to commercial properties, but in some cases leaseholders were responsible for the works, and sites would likely go out to individual tenders due to the scale involved. He clarified that the commercial contract with Orion currently covered the sheltered schemes, and that the ability to install such new technologies would be a key part of the new contract when it went out to tender.

## **51 PRIVATE SECTOR ENFORCEMENT & CIVIL PENALTIES POLICIES**

NBeresford introduced the updated Private Sector Enforcement policy and new Civil Penalties Policy for feedback before they were sent on for Cabinet approval. She explained this was primarily about tackling substandard accommodation in private sector rented homes, but also enforcement powers available regarding the condition of registered provider homes. She noted that specific amendments and alterations related to the Ishak case where a young child had died following instances of damp and mould in the home, and that the council had taken on board extensive guidance from central government.

Cllr Dhyani congratulated the team on the policy, stating that she felt it definitely solved the purpose and would give them a better control on the private rented sector.

Cllr Pringle praised the penalty matrix taking into account the severity of the case and harm caused to the tenant or others. She proposed adding in an aggravating feature

regarding evidence of bullying of vulnerable tenants, and asked whether there were any powers to compensate the tenant in such cases. RClarke explained that the line regarding harm would encompass vulnerability, and that the Housing Act did allow the council or tenant to apply to the RPT for a rent repayment order of up to 12 months' rent. She also confirmed that tenants would be supported in this if they qualified. Cllr Pringle noted that she would like to hear more about specific cases at a future date, and raised the need to publicise more widely to tenants that the council had these powers in the case of private sector properties.

Cllr Stevens queried the existence of the £30,000 limit. RClarke clarified that this was the legislated maximum in the Housing and Planning Act, and while there was statutory guidance regarding what a local authority should consider, they had the power to determine their own matrix and fine levels. NBeresford referenced 2 active cases just finalised with fines of £20,000 and £1,200, and explained that this money came back into the service, ring-fenced to enable further regulatory enforcement activity.

Cllr Stevens asked whether the council had a good handle on total privately tenanted properties across the borough, particularly HMOs. NBeresford noted that this was a significant proportion of the borough's stock and the service had only 9 members of staff, but that processes were undertaken through the Rogue Landlord Initiative to identify homes operating as unlicensed HMOs. RClarke noted that the BRE had conducted a housing stock survey in 2019-20 just prior to COVID, and come up with approximate figures of 11,000 privately rented properties, 280 HMOs with 5 or more people, and around 1,000 HMOs with 3 or 4 people. She stated that while they could deal with complaints as they came in, doing research into all 11,000 properties would be very resource-heavy.

Cllr Weston asked how much higher the rents were with private landlords than with DBC. NBeresford clarified that while DBC's rents were set at social rent, private sector landlords would set their rent in line with the Local Housing Allowance rates. She noted that Hertfordshire was covered by a border market rental area and had 3 catchment areas, meaning there could be anomalies, but that on average a 2-bedroom home might rent for £1,200 to £1,400 a month upwards, a 3-bedroom home for £2,000, and larger family homes well in excess of £3,500.

Cllr Cox asked for clarification on whether the private sector included housing associations. NBeresford confirmed this was correct. Cllr Cox asked about cases where the housing association failed to act due to being unable to get hold of the developer or contractor responsible for the works. NBeresford explained that the registered provider would be in the same position as the council in terms of responsibility to their tenant in rectifying any defect. She explained that the council would not typically undertake the works, but that RClarke's team would engage with the landlord to help them fulfil their obligations, and steps could be taken to serve improvement notices if they failed to engage. She noted that in serious cases the



council could undertake works by default and put charging orders on the properties to recoup monies, but this was a last resort.

Cllr Pringle asked whether the statement about issuing a civil penalty for each individual breach meant the £30,000 limit was per tenant. RClarke clarified that this was per offence and there could be multiple offences against an individual tenant. Cllr Pringle asked if they would also pursue the landlord for legal costs, and RClarke explained that the RPT frowned upon adding costs as the civil penalty was assumed to cover this.

Cllr Pringle asked what happened to homes and tenants in the event of a banning order, and if the council could take them over. RClarke stated that there would have to be an alternative in place, and that the ideal situation would be for the tenant to remain in situ with a change of management. NBeresford noted that in extreme cases the council might prohibit use of a property, and referenced historical cases where they had taken over management of HMOs.

## **52                    FORWARD PLAN**

The forward plan was noted.

The Meeting ended at 9.00 pm