

COMMUNITY & HOUSING OVERVIEW & SCRUTINY COMMITTEE
16 NOVEMBER 2022

Minutes of the meeting of the Community & Housing Overview & Scrutiny Committee of Flintshire County Council held as a remote attendance meeting on Wednesday, 16 November 2022

PRESENT: Councillor Helen Brown (Chair)

Councillors: Gilliam Brockley, Tina Claydon, Geoff Collett, Rosetta Dolphin, David Evans, Ray Hughes, Kevin Rush, Dale Selvester and Linda Thew

SUBSTITUTIONS: Councillors: Bernie Attridge (for Pam Banks) and Rob Davies (for Dennis Hutchinson)

ALSO PRESENT: Councillor: Marion Bateman attended as an observer

CONTRIBUTORS: Councillor Sean Bibby (Cabinet Member for Housing and Regeneration); Chief Executive; Chief Officer (Housing and Communities); Senior Manager - Housing Management, Benefit Service including Disabled Facilities Grants and Business Manager

IN ATTENDANCE: Community & Education Overview & Scrutiny Facilitator

29. DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

None.

30. MINUTES

The minutes of the meeting held on 27 September, 2022 were approved as a correct record, as moved and seconded by Councillor Bernie Attridge and Councillor David Evans.

The minutes of the meeting held on 12 October, 2022 were approved as a correct record, as moved, and seconded by Councillor Bernie Attridge and Councillor Linda Thew.

RESOLVED:

That the minutes of the meetings held on 27 September and 12 October be approved as a correct record and signed by the Chair.

31. FORWARD WORK PROGRAMME & ACTION TRACKING

The Overview & Scrutiny Facilitator presented the current Forward Work Programme for consideration.

The Facilitator referred to the number of items listed for the next meeting scheduled for 14th December and suggested that she liaise with the Chair and Chief

Officer following the meeting to move some items to other meetings, to allow for a full debate on the Medium Term Financial Strategy (MTFS) & Budget Setting 2023-24 (Stage 2) report. The Committee supported this suggestion.

The Facilitator outlined the following changes that had been made to the Forward Work Programme since the last meeting:-

- Temporary Accommodation Audit Update – this report has been moved to April, 2023 to allow for the final Rapid Rehousing Plan to be submitted;
- Housing Register Service Customer Satisfaction – this information will be included as part of the Housing Register report being presented to the Committee in February, 2023; and
- Sheltered Housing Review – this report will now be presented in February 2023

In relation to the Actions arising from the last meeting, the Facilitator reported that a site visit to view Void properties has been arranged for 9th December, 2022. Additional information on the site visit will be sent to Members of the Committee in due course. On the action relating to a report on Poverty being brought forward on the Forward Work Programme, the Facilitator advised that a report was recently presented to Cabinet on the cost of living crisis and she would share this with Members of the Committee after the meeting. Performance on poverty would also be presented to the Committee at its meeting in December, 2022.

Councillor Bernie Attridge asked if a briefing note could be provided to all Members of the Council on how the Council dealt with older properties that had damp and mould. He also asked if information on triple vent ventilation, which he believed should be provided when installing replacement windows, could be provided as part of the briefing note. He said that he appreciated that the Committee had a busy Forward Work Programme, and therefore would appreciate a briefing note to provide assurance to Members, if a report could not be accommodated within the Forward Work Programme. The Chair suggested that a report on this matter be included on the Forward Work Programme for January, 2023.

The Facilitator suggested that a briefing note be provided to all Members following the meeting and a decision on whether a report should also be brought to the Committee could be made at a later date.

The recommendations, as outlined within the report, were moved by Councillor Bernie Attridge and seconded by Councillor Rob Davies.

RESOLVED:

- (a) That the Forward Work Programme be noted;
- (b) That the Facilitator, in consultation with the Chair of the Committee, be authorised to vary the Forward Work Programme between meetings, as the need arises; and
- (c) That the Committee notes the progress made in completing the outstanding actions.

32. RENTING HOMES (WALES) ACT 2016

The Senior Manager - Housing Management introduced the report to provide an overview of the new Renting Homes Act and the changes that would be brought into effect from 1st December, 2022. The Act aimed to simplify the process of renting a home in Wales and to provide parties with more information about their rights and obligations.

The Senior Manager explained that once fully enacted, the Act would create a completely new system for residential tenancies in Wales. It was intended to entirely replace the secure, assured shorthold and assured agricultural occupancies tenancy regimes which currently operated under the Housing Act 1985 and Housing Act 1988.

In highlighting the fundamental changes within the Act, the Senior Manager advised that under the new law tenants and licensees would become 'contract-holders' and tenancy agreements would be replaced with 'occupation contracts'. The Occupation Contracts would have to be set out in a 'written statement' and its purpose was to confirm the terms of the contract. There would be two types of contract, as follows:-

1. Secure – which Flintshire will adopt as landlord.
2. Standard Contract – Which will be mainly used in the private sector.

The implementation in Flintshire from 1st December would see any new contract holders receiving a new contract, and any existing contract holders would be entered into a period of consultation to encourage them to convert from their existing tenancies to a contract to comply with the new regulations. A series of roadshows would take place from February 2023 to explain the new Act to tenants.

Councillor Bernie Attridge raised concern around the role of the Scrutiny Committee in considering the report and providing feedback prior to the Cabinet meeting the following week. He did not feel that there was any opportunity to amend the changes proposed within the Act as it would become law from 1st December. He said that he could find no background information on consultation undertaken and asked what consultation had been carried out by the Cabinet Member and Leader of the Council through the Welsh Government (WG) on the proposed changes and was consultation carried out with the tenants ahead of the changes being brought into effect from 1st December 2022. He also raised concerns around the removal of the introductory tenancies which were in place to the Council to remove bad tenants.

The Senior Manager said that she was not aware of the consultation process but explained that the Act became law in 2016 with WG delaying the roll out and implementation of the law until 1st December, 2022. She explained that it was an Act of law which the Council had to implement and that the consultation with residents and tenants would ensure that they understood what the changes meant. There were some positive changes within the Act, around giving tenants greater rights and holding landlords to account if property repairs were not undertaken.

The Chief Officer (Housing and Communities) advised that feedback from the Committee would be provided at the Cabinet meeting next week. The Cabinet Member for Housing and Regeneration reiterated the comments that the Act became law in 2016 and suggested that those Members who were elected Members of the Council at that time could recollect the consultation process during that time. He said that he would feedback the concerns of Councillor Attridge to Cabinet.

Councillor Rosetta Dolphin spoke in support of the comments made by Councillor Attridge around keeping Introductory Tenancies and gave an example of a tenants within her own ward who had caused thousands of pounds worth of damage but could be removed quickly due to being on an Introductory Tenancy.

Councillor Dale Selvester raised concerns that the changes to Introductory Tenancies would allow tenants to request transfers more often, which could have a negative impact on the number of void properties in the County. He also raised concerns around the changes to Abandonment Notices and the responsibility now resting with the Council. He was concerned around the issue of such a notice and the potential for criticism if for some reason a notice was issued, and it then transpired that a property was not abandoned.

The Chair commented on changes to Enhanced Succession Rights and gave an example of a young person left in a property following the death of their parents. She raised concerns that given the spare room subsidy, this person could be set up to fail and asked would there be an opportunity for this person to move to a smaller property.

In response to the questions raised, the Senior Manager explained that the reason they were not recommending having an Introductory Tenancy was because under the new law there was no difference between the Tenancies, and this did not allow a fast track for eviction. In response to the comments on an increase in void properties, she explained that transfer requests were managed daily and would continue to be managed in the same way. She welcomed the change to Abandonment Notices and commented on the frustration of knowing a property was abandoned and the previous lengthy time taken for the property to be returned to the Council. The new Policy and Procedure would see properties being taken back only once the Council was satisfied they had been abandoned. She also advised that conversations would continue to be had with tenants following a succession to ensure that the property was affordable but ultimately this was their decision on whether to remain in the property or request a transfer.

The Chair asked if as part of the Enhanced Succession Rights, if a person was to succeed to the occupation contract, would they be put on an Introductory Tenancy. The Senior Manager said that she would clarify this following the meeting.

In response to further questions raised by Councillor Attridge, the Senior Manager said that she was unsure whether representations on the Act would be accepted and said that by looking at the previous consultation process it maybe that the concerns raised by Members of the Committee had already been made and taken into consideration by WG. She said that she would enquire with WG and legal partners on whether a review of the Act was planned, and provide this information, if available to Cabinet when considering the report in November 2022.

Cllr Attridge proposed an additional recommendation to those listed in the report, that the Senior Manager review consultation previously undertaken and enquire with the WG and legal partners on whether a review of the Act was planned, and provide this information, if available to Cabinet when considering the report in November 2022. This was seconded by Councillor Rob Davies.

Councillor Dave Evans, following clarification from the Senior Manager proposed that recommendation 2 as listed in the report be amended to read:-

- That the Committee has serious concerns on the removal of introductory tenancies from the policy.

In response to further questions around Introductory Tenancies the Senior Manager explained that the Council's powers would be reduced as part of the new Act and that it did not give the Council a quicker right to terminate. She said that it was important to note that the Council did not undertake many evictions and that the majority of Introductory Tenancies were successful in becoming Secure Tenancies.

The Facilitator advised that all comments made by Members of the Committee would be compiled and sent to the Cabinet Member and Officers ahead of the Cabinet meeting.

The recommendations, as amended by Councillor Bernie Attridge and Councillor Dave Evans were moved by Councillor Attridge and seconded by Councillor Rob Davies.

RESOLVED:

- (a) That the Committee note the changes proposed to the way all landlords in Wales rent their properties for implementation from 1 December 2022;
- (b) That the Committee has serious concerns on the removal of introductory tenancies from the policy; and
- (c) That the Senior Manager review consultation previously undertaken and enquire with the WG and legal partners on whether a review of the Act was planned, and provide this information, if available to Cabinet when considering the report in November, 2022.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 – TO CONSIDER THE EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED:

That the press and public be excluded for the remainder of the meeting for the following items by virtue of exempt information under paragraph(s) 14 of Part 4 of Schedule 12A of the Local Government Act 1972 (as amended).

33. MANAGED STORES CONTRACT

The Business Manager presented the proposals for the future supply of building materials and associated services through a managed stores via the ADRA All Wales Materials framework. The framework offers opportunities across Wales for collaboration with other authorities and housing providers, thus providing potential materials cost savings due to economies of scale.

The Council would continue to monitor performance of the contract through receipt of key performance indicators. This would allow early identification of any concerns with performance and presents opportunities for continuous improvement measures to be developed.

The Business Manager responded to questions raised by Councillor Bernie Attridge around other available sites and community benefit.

The recommendations, as outlined within the report, were moved by Councillor Bernie Attridge, and seconded by Councillor Rob Davies.

RESOLVED:

- (a) That the Committee note the award of the managed stores contract, as outlined in the report, via the ADRA All Wales Materials framework; and
- (b) That the Committee note the award of a four year contract with the option to extend for a further four years subject to performance.

34. MEMBERS OF THE PRESS IN ATTENDANCE

There were no members of the press in attendance.

(The meeting started at 2.00 pm and ended at 2.53pm)

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Chair