

**HOUSING OVERVIEW & SCRUTINY COMMITTEE**  
**10 SEPTEMBER 2014**

Minutes of the meeting of the Housing Overview & Scrutiny Committee of Flintshire County Council held in the Delyn Committee Room, County Hall, Mold on Wednesday, 10 September 2014

**PRESENT: Councillor Ron Hampson (Chairman)**

Councillors: Amanda Bragg, David Cox, Paul Cunningham, Peter Curtis, Rosetta Dolphin, Jim Falshaw, George Hardcastle, Ray Hughes, Hilary Isherwood, Brian Lloyd, Mike Reece and Gareth Roberts

**SUBSTITUTE:** Councillor Marion Bateman (for Ron Davies)

**APOLOGY:** Chief Officer (Community & Enterprise)

**ALSO PRESENT:** Councillors Bernie Attridge attended as an observer

**CONTRIBUTORS:** Leader of the Council and Cabinet Member for Finance, Cabinet Member for Housing, Neighbourhood Housing Manager, Housing Regeneration & Strategy Manager, Community Support Services Manager and Housing Asset Manager

Chief Officer (Governance) and Solicitor (Housing & Planning) - for minute number 24

**IN ATTENDANCE:** Housing & Learning Overview & Scrutiny Facilitator and Committee Officer

Mr Paul Goodlad of Wales Audit Office was in attendance as an observer

Pursuant to section 62 of the Local Government (Wales) Measure 2011 and paragraph 5.26 of the Statutory Guidance from the Local Government Measure 2011, a member of the public, Mr Peter Parkinson, was in attendance to speak on minute number 24.

**22. DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)**

Councillor Hilary Isherwood declared a personal interest on all agenda items due to her husband being the Shadow Housing Minister.

**23. MINUTES**

The minutes of the meeting held on 7 July 2014 had been circulated with the agenda.

**RESOLVED:**

That the minutes be approved as a correct record and signed by the Chairman.

## **24. TENANCY AGREEMENT CONSULTATION**

The Chairman welcomed Mr Peter Parkinson to the meeting and explained the process by which he was permitted to speak on the item.

The Neighbourhood Housing Manager introduced the report which gave an overview of the formal consultation process in relation to the Council's intention to introduce a revision of its tenancy conditions and sought Members' views on the proposal for charges to be incurred by either the Council or tenant upon failure to gain access to a property for a pre-arranged appointment.

The Choices Document, made available to Council tenants prior to the housing ballot, included an undertaking to update the Tenancy Agreement for reasons of transparency, to aid its understanding and to reflect changes in legislation over the past 20 years. Consultation on the revised Tenancy Agreement had been launched at the tenants' conference in February 2014, followed by detailed information sent to tenants, providing an opportunity to respond to the proposed changes. In addition, 15 drop-in sessions had been held across the county as well as officers visiting rural areas and information publicised on the Council's website and social media.

The report outlined the Council's responses to feedback received and in particular to concerns around the legal rights of tenants. It was explained that tenants' right to choose an alternative landlord was covered in Section 32 of the Housing Act 1985 which also included the right for tenants to be balloted on any housing stock transfer.

Mr Parkinson was then invited to address the Committee. He expressed his appreciation at being permitted to share his concerns about changes to the Tenancy Agreement which he had wanted to raise for some time. He stated that his preference was to speak only to the Committee Members and expressed his disappointment that permission had not been granted for Mr Steven Clarke, Chair of the Wales Tenants' Association to also speak on the item. Mr Parkinson went on to question the provision to amend the Tenancy Agreement within the Choices Document which he felt related only to the housing ballot. He went on to question the wording on tenants' rights which he felt applied only to English law, changes in the provision of the Warden Service and the length of the consultation period on the Tenancy Agreement in view of the number of consultees.

In welcoming Mr Parkinson to the meeting, the Leader and Cabinet Member for Finance advocated the approach for members of the public to exercise their right to request to speak on items at Overview & Scrutiny Committees. In recognising the progress made in terms of performance on the Choices Document and timescale to achieve the WHQS, he referred to the Council's significant contribution in seeking an exit from the Housing Revenue Account (HRA) subsidy system which was much welcomed in the current financial climate. He referred to the outcome of the housing ballot, where 88% of tenants voting had voted against a stock transfer - the highest housing ballot turnout in Wales to date - and stressed the importance of the Council consulting with tenants and honouring the commitments made within the Choices Document. Whilst he understood Mr Parkinson's concerns around tenants' right to choose an alternative landlord, there was a need for the Council to show

transparency in clarifying all tenants' rights. In summarising, he felt it was now appropriate for the detailed consultation process to come to an end so that the views of the Committee could be sought prior to a report back to Cabinet at an appropriate time to receive all feedback, including that from Mr Parkinson.

In response to Mr Parkinson's reference to the Choices Document relating only to the housing ballot, the Neighbourhood Housing Manager pointed out that the Document set out the promises to tenants whether the housing stock was retained by the Council or transferred to Dee Housing to clarify accountability for both options. She added that part of that commitment included a review of the Tenancy Agreement to show transparency on legal issues and that any issues with delivery of promises in the Choices Document would need consultation with tenants. She went on to point out that the entire consultation process had taken around three months to maximise opportunities for involvement and that wording in the document reflected tenants' rights and not the Council's intention to transfer housing stock. She offered to pick up the issues about the Warden Service outside the meeting as this was not within her remit.

Concerning the comments on English law, the Solicitor (Housing & Planning) advised that provisions within the Housing Act 1985, such as the transfer of land in Local Authority stock, applied in both England and Wales, although some others were subject to change by the Welsh Government.

Mr Parkinson went on to comment on tenants' rights to choose an alternative landlord and the lack of information around this.

The Chairman thanked Mr Parkinson for his comments and his participation in the meeting.

Councillor Peter Curtis welcomed the involvement of a member of the public at the meeting and praised Mr Parkinson for his knowledge on this particular subject. Whilst Councillor Curtis also had issues with certain areas, he acknowledged that these could not be excluded as they were legal rights which formed part of the Tenancy Agreement.

Councillor Rosetta Dolphin welcomed the work undertaken on the Tenancy Agreement to reach the current position but raised concerns that the proposed condition for charges on missed appointments may have a financial impact on the Council if officers were at fault.

The Neighbourhood Housing Manager advised that a wider discussion on the proposed charges for missed appointments would be required before any provision could be included in the Agreement.

On the consultation drop-in sessions, Members noted that areas such as Ffrith, Cymau, Greenfield, Pen-y-Maes, Strand (Holywell) and Flint had been excluded. Councillor Hilary Isherwood stressed the importance of covering rural areas, particularly those with limited bus services.

Councillor Marion Bateman referred to the waiting list of properties for Disabled Facilities Grant (DFG) work and sought clarification on the Council's

approach where DFG adaptations had been carried out at a property but were no longer necessary as the relevant occupant had moved on.

The Housing Regeneration & Strategy Manager explained that DFG legislation stated the intention for the individual to live at the property for five years but that where the occupants had moved on, cases were assessed individually to determine the circumstances. For those in secured tenancies, whilst the Council could be proactive in encouraging relocation, the nature of the Tenancy Agreement meant that a move could often not be enforced.

The Solicitor (Housing & Planning) said it was his understanding that an option was open for the Council to pursue possession proceedings in these types of situations and where alternative accommodation had been refused, however he would confirm this and provide a response to Councillor Bateman. He went on to provide clarification to a question from Councillor Gareth Roberts on joint tenancies.

On DFG adaptations undertaken at properties in secured tenancies, the Chief Officer (Governance) provided explanation on entitlement to inherit and “succeed” to a property, although this could only happen once. He agreed to look into any particular cases that were brought to his attention.

Councillor George Hardcastle asked about the removal of stairlifts which were no longer required, for relocation elsewhere. The Housing Regeneration & Strategy Manager spoke about policy changes agreed by the Council earlier in the year to take a more considered approach to property adaptations in family houses and upper floor flats which formed part of the Council’s housing stock. He referred to a framework agreement with the stairlift provider to remove and relocate stairlifts which were no longer required.

The Cabinet Member for Housing referred to the need to build more ‘homes for life’.

Councillor Ray Hughes raised concerns about the increasing need for DFG adaptations and rising costs.

On the proposed charges for missed appointments, Members felt that a degree of flexibility was needed and that the topic should be considered in more detail by the Committee, with information on charges. The Neighbourhood Housing Manager said that the issue, including consideration of levels of charges, would require discussion and approval.

**RESOLVED:**

That the content of the report be noted and the final implementation stage of the new agreement, which will involve writing to all tenants, be supported.

**25. IMPROVEMENT PLAN MONITORING REPORT**

The Housing Regeneration & Strategy Manager introduced the report for the Committee to note and consider elements of the 2014/15 Improvement Plan Monitoring Report relevant to the Committee for the period April to July 2014.

He gave a short presentation on performance within each of the sub-priority areas, highlighting work which had been undertaken to improve performance and areas where improvement was needed, as outlined within each report. It was noted that there were no areas with a red 'RAG' status within the report.

Councillor George Hardcastle asked about the impact of Welfare Reform on households to date, particularly those who had suffered debt problems. The Housing Regeneration & Strategy Manager reported that the rollout of claims for Universal Credit accepted by Shotton Job Centre was being widened to include some other claimants. A detailed update report on Welfare Reform was scheduled for consideration at the next meeting of Committee.

**RESOLVED:**

That the report be noted.

**26. FORWARD WORK PROGRAMME**

The Housing & Learning Overview & Scrutiny Facilitator introduced a report to enable the Committee to consider the Forward Work Programme which had been populated to include Members' suggestions following the recent planning workshop.

It was agreed that to avoid any duplication, Members of the Corporate Resources Overview & Scrutiny Committee would be invited to attend the next meeting on 15 October 2014 to consider the Welfare Reform Update. Similarly, it was agreed that the Environment Overview & Scrutiny Committee would be invited to attend the meeting on 24 March 2015 for the item on Vibrant and Viable Places.

Councillor Mike Reece asked that a future item be scheduled on vans allocated to caretakers. In response to a question, the Neighbourhood Housing Manager said that proposed changes to Housing officer arrangements would reflect working patterns and that Housing officers would meet with Members for their respective areas around the end of the month.

Following a further question on nuisance neighbours in private properties, the Neighbourhood Housing Manager provided explanation on the Council's powers to take action where the issue affected Council tenants and/or the housing management function. Any other matters would need referral to the Community Safety Unit.

Councillor Rosetta Dolphin asked when the review of garage sites would be considered. The Housing Regeneration & Strategy Manager advised that this would be discussed under the Asset Management Plan item scheduled for the next meeting and the Council Housing Development item at the April 2015 meeting. He reported that following completion of most of the site visits, a list for future developments had been prepared based on feedback (including that from Members). He agreed to share this information with the Committee.

**RESOLVED:**

That the Forward Work Programme be updated accordingly.

**27. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE**

There was one member of the public in attendance.

(The meeting started at 10.00 am and ended at 11.08 am)

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**Chairman**