

IMPROVING PLACES SELECT COMMISSION

Venue: Town Hall, Moorgate
Street, ROTHERHAM.
S60 2TH

Date: Friday, 29th July, 2016

Time: 11.30 a.m.

A G E N D A

1. Apologies for absence
2. Minutes of the previous meeting held on 15th June 2016 (Pages 1 - 6)
3. Declarations of Interest
4. Questions from members of the public and the press
5. Communications
6. Work Planning and Prioritisation (Pages 7 - 15)
7. Date and time of the next meeting - Wednesday 14 September 2016

Improving Places Select Commission: membership: -

Councillors Allen, Atkin, Buckley, B. Cutts, M. S. Elliott, Jepson, Jones, McNeely, Mallinder (Chairman), Marles, Price (Vice-Chairman), Reeder, Rushforth, Sheppard, Taylor, Walsh, Whysall and Wyatt.

Co-opted members:- Mrs. L. Shears, Mr. P. Cahill and Mr. B. Walker.

IMPROVING PLACES SELECT COMMISSION
Wednesday, 15th June, 2016

Present:- Councillor Mallinder (in the Chair); Councillors Jepson, Jones, Marles, McNeely, Price, Reeder, Rushforth, Sheppard, Taylor, Walsh, Whysall and Wyatt, Mr. P. Cahill, Mrs. L. Sheers and Mr. B. Walker.

Councillor Beck, Cabinet Member for Housing was present at the invitation of the Chair.

Apologies for absence were received from Councillors Allen, Atkin and Buckley.

1. DECLARATIONS OF INTEREST

There were no Declarations of Interest made at the meeting.

2. QUESTIONS FROM MEMBERS OF THE PUBLIC AND THE PRESS

There no members of the public and press present at the meeting.

3. COMMUNICATIONS

The Chair suggested, given the membership of the Select Commission included a number of new Members, that consideration be given to holding meetings at alternate times of the day.

Members were requested to contact Christine Majer, Scrutiny Officer, with their preference of a morning or evening meeting.

4. MINUTES OF THE PREVIOUS MEETING HELD ON 13TH APRIL 2016

Resolved:- That the minutes of the previous meeting of the Improving Places Select Commission, held on 13th April, 2016, be approved as a correct record for signature by the Chairman.

5. TENANCY AGREEMENT FOR ROTHERHAM'S COUNCIL HOUSING TENANTS

Mr. D. Richmond, Director of Housing, Asset Management & Neighbourhood Services, and Mr. A. Heppenstall, Housing Projects Co-ordinator, presented the new Tenancy Agreement.

The new Agreement, together with the required preliminary Notice of Variation (as required under Section 103 of the Housing Act 1985) highlighting the proposed changes, had been issued to all tenants on 21st November, 2014, for a 12 week consultation period.

545 feedback documents had been received from tenants of which 479 were in favour of the new Tenancy Agreement. The issues that

concerned the 35 unhappy respondents were:-

- 18 were unhappy about the move from a 48 to 52 week rent collection period
- 7 had concerns regarding having to maintain their own sheds
- 3 expressed dissatisfaction that only tenants living in properties with their own outdoor space and with private (rather than shared) access could keep pets that required time outdoors e.g. cats and dogs
- 2 suggested that the nuisance and annoyance clauses should be stricter
- 2 confused by the term 'flexible' tenancies and thought they would lose their 'secure' status
- 1 felt that the new Agreement was oppressive overall
- 1 felt they should be allowed to use their air rifle in their garden without seeking permission
- 1 suggested that it should be the responsibility of the Council to change light bulbs

Discussion ensued on the proposed Agreement with the following issues raised/clarified:-

- Was there a limit on how many animals are allowed without permission?
This predominantly related to people who lived in flats and each case would be looked at on its own merits
- There had been difficulty in residents being able to source light bulbs to replace them without contacting the Council
This would be referred to the Affordable Warmth and Sustainable Energy Co-ordinator
- Concern regarding properties such as bungalows that had special lights fitted that could not be accessed
Some properties had very specialised sealed units in some properties and in those instances the Service would change them. Depending upon whether or not it was a specialist unit that people could get access to but, if they were finding it difficult for whatever reason, there may be some recharge
- It is a very poor response to the consultation
It was a lengthy document that could have deterred tenants from responding. A tenants and residents survey had just been completed which had received a 30% return but had been a much easier document to complete
- The document was shared with the Area Housing Panel Chairs meeting and Quality Standards meeting but no feedback from either of those were contained within the document

- How would the Tenancy Agreement be enforced with the reduction in staff that had taken place?
It was a good point and consideration had been given to increasing its robustness. Attempts had been made to define what was meant as a breach of the Agreement e.g. playing loud music
- As a Council tenant there was a feeling that all had been tarred with the anti-social behaviour brush. The policing of it would rely upon the neighbours to inform the Council
The Service did rely upon information that came the office. Since the ALMO had returned to the Council in 2011, the number of Area Housing Officers and supervisory staff had been increased, a new tier of Area Supervision staff created and the number of Anti-Social Behaviour Officers increased. The role of the Area Housing Managers was focussed largely on tenancy management and ensuring there was a focus on tenancy problems. The statistics showed that generally most people were happier now with how anti-social behaviour was dealt with than previously. Also Anti-Social Behaviour Officers were linked with Area Housing Teams
- How do you manage the gardens? Removal of privet for car parking –was that acceptable?
There were a lot of problems that used to be rare but seem to becoming more common. There were some grass root tenancy enforcement action that needed to take place. It was hoped that the new Agreement would send the message that certain behaviours were not acceptable. The Service did need members of the neighbourhoods to report any nuisances
- Would tenancy checks continue?
Absolutely
- It was not felt that the Tenancy Agreement had been monitored in the past. A lot of neighbours felt too intimidated to report a nuisance as well as sometimes it being hard to distinguish which was a Council tenancy
It had been the intention to give the Tenancy Agreement more depth so that tenants knew their roles and responsibilities. Very often when reported nuisance was investigated other issues were found which gave the Service the opportunity to inform the resident that they were at risk of losing their home
- Could it be included in the Agreement that a property had to have curtains/blinds up to the windows instead of newspaper which was not acceptable to the majority of residents?
Consideration would have to be given if this was a route that the Authority would want to follow i.e. stating how a tenant should furnish/decorate their property

- What about the Local Letting Policies?
This was something the Council had decided to move away from due to the problems it was creating and not allowing other lifestyles to live anywhere but in 1/3 of the Authority's properties. However, the full Allocations Policy had been strengthened to allow the right to refuse properties and increase the checks on tenants. There were still some exemptions with regard to the type of property e.g. sheltered schemes and bungalows

There was evidence of an increase in the number of evictions and enforcement action been taken against tenants
- Which properties were excluded from the Right to Buy?
Essentially it was sheltered properties – properties that had additional services in which allowed exclusion
- No. 19(d) (Garden) – “You are responsible for the maintenance of any trees in the garden of the property; however, you must ask for permission to remove or cut down any tree in your garden”. The clause should be retained should some tenants inherit a large tree when they rented a property
It was the understanding that where there were large trees the Service was willing to have the Council's Tree Officer check particularly for health and safety type issues. There was a distinction to be drawn between a new property let to tenant and what they were inheriting and an old tenant. The growth of trees during a tenancy period was largely down to responsibility of that individual tenant. There were things that the Service could assist with e.g. Age UK to try and ensure that there were services out there to help people but would not take on responsibility for pruning of all trees in all gardens
- No. 22(b) (Improvement and Alterations) – Artexing ceilings. New tenants could inherit such decoration
There were properties with artex already insitu when taking on a tenancy. The Service did not want to unnecessarily disturb artexing as it could contain asbestos and whilst ever it was secure in situ it would not cause a problem. Information would be supplied to a tenant to advise not to remove. There were technical officers that could inspect
- No. 14(b) (Animals) “You must not keep the following animals at your property – livestock”. Were micro pigs considered livestock?
The Service was aware that tenants had micro pigs and should not to be confused with domestic livestock. Each case would be considered on its own merits
- No. 22(b) (Improvements and Alterations) “Install any CCTV monitoring cameras or other surveillance equipment”. What about dashcams which if positioned could be taking notice of peoples’

movements

They could cause an issue. The advice always given if putting up a camera the screen of the monitor must face the curtilage of the property. Dashcams only worked when the vehicle's ignition was on. New tenants were supplied with a DVD giving information on how they should be erected

- No. 22(b) (Improvements and Alterations) "Installation of new flooring including laminate flooring". Tenants would not think they would need permission to put flooring down
Attempts had been made to create a Policy and Tenancy Agreement that allowed the Service to deal with the fact that some people did things that were not practical or safe. Tenants were requested to ask permission of the Service of which the majority would be approved
- There were tenants who were very proud of their homes and they changed certain things i.e. Internal doors, kitchens, bathrooms to a better standard than was there previously. Have we stopped removing the kitchens etc. to revert to the Council standard?
Maintenance of the replacement was the issue particularly with regard to kitchens i.e. could the Service replace missing handles, doors etc. in the future. If a property was returned to stock that had a new kitchen of a reasonable standard and it was known that the previous kitchen had been nearing the end of its life cycle, that was fine but if it had doors/handles missing, it would be replaced
- No. 3 (Nuisance and Anti-Social Behaviour) "Dogs or other pets fouling in gardens, public spaces and streets". Cats could not be stopped from fouling in other places. Should it state "excluding cats"?
- No. 3 (Nuisance and Anti-Social Behaviour) "Littering, or allowing your litter (including cigarette stubs) to blow into another person's garden or communal area". How would anybody distinguish whose litter it was in their garden? Should it be "littering of any kind including cigarette stubs"?
- No. 3 (Nuisance and Anti-Social Behaviour) "using or allowing the use of off unlicensed bikes and scooters at the property" should read "... the use of off-road unlicensed ..."
- No. 14g (Animals) "must not ... allow any animal you keep at the property to foul in your home, your garden or in the shared areas or outside the property (on roads, footpaths or public spaces such as play areas)". Should it read "fouling by any animal you keep at your property should be removed promptly"
- How did the Tenancy Agreement differ with regard to nuisance and anti-social behaviour?
No. 3b (examples of nuisance, annoyance or disturbance) now included the playing of music at any time of the day or night,

installation of outside lighting, littering, foul and abusive language and rowdy or inconsiderate behaviour, selling, possessing or distributing of drugs including prescription drugs and malicious communications

- No. 2 (Rent) (d) "It is your responsibility to apply for Housing Benefit..." Makes it clear that it was the tenant's responsibility and not to expect the Council to check on their entitlement
- No. 13(b) (Vehicles) "You, other residents of your home or your visitors must not do major vehicle repairs or park an untaxed or un-roadworthy vehicle on the land" There should be some discretion and the situation monitored before enforcement action was taken
- No. 14(h) (Animals) "must not ... allow any animal you keep at the property to foul in your home, your garden or in the shared areas or outside the property (on roads, footpaths or public spaces such as play areas)". This did not refer to modest bird feeding stations
- The Tenancy Agreement was in line with that of neighbouring authorities

The Agreement, together with the comments of the Select Commission, would be considered by the Cabinet on 11th July. Subject to Cabinet agreement, the statutory variation notice would be served with the new Agreement and Handbook the week beginning 1st August with the going live date of 12th September, 2016.

Resolved:- (1) That the Tenancy Agreement be supported.

(2) That an update be submitted 6 months after implementation.

6. MEMBERSHIP OF THE HEALTH, WELFARE AND SAFETY PANEL 2016/17

Resolved:- That Councillor McNeely be appointed as the representative from the Improving Places Select Commission to the Health, Welfare and Safety Panel for the 2016/2017 Municipal Year, with Councillor Taylor as the substitute representative.

Improving Places Select Commission – 29 July 2016

Title: Work Planning and Prioritisation

Is this a Key Decision and has it been included on the Forward Plan?

No

Strategic Director Approving Submission of the Report

Assistant Chief Executive

Report Author(s)

Christine Majer – Scrutiny Officer
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Ward(s) Affected

All wards

Summary

This paper provides Members with further information arising from an informal work planning session held on 20 July 2016 to assist with the prioritisation of items for inclusion in the Commission's work programme for the 2016/17 municipal year.

Recommendations

- 1. That consideration be given to the prioritisation of items within the Improving Places Select Commission Work Programme for 2016/17.**

List of Appendices Included

Appendix 1 - Terms of Reference – Improving Places
Appendix 2 – Notes of the Informal Meeting of the Improving Places Select Commission held on 20 July 2016

Background Papers

Nil

Consideration by any other Council Committee, Scrutiny or Advisory Panel

N/A

Council Approval Required

No

Exempt from the Press and Public

No

Work Planning and Prioritisation

1. Recommendations

- 1.1 That consideration be given to the prioritisation of items within the Improving Places Select Commission Work Programme for 2016/17.

2. Background

- 2.1 Members of the Improving Places Select Commission held an informal work planning session on 20 July 2016 to consider what items to include within the commission's work programme for the 2016/17 municipal year. In doing so, Members gave consideration to the following items:

- Cemeteries and Crematorium Service through Dignity
- Emergency Planning
- Housing Revenue Account
- Impact of Business Rate Retention
- Impact of HS2 in the Borough
- Public Transport across the Borough
- Regeneration of Town Centres

- 2.2 It was considered that the following items should not be progressed to the work programme:

Housing Revenue Account	This would be a consideration for the Neighbourhood Review Member Working Group, and it was considered unhelpful to create any confusion or duplication.
Impact of Business Rate Retention	It was considered that this would be of limited use for a scrutiny review at this stage, however it may be beneficial to receive a paper later in the municipal year once more information was available on how this would work in practice.
Impact of HS2 in the Borough	As this was a Government Initiative on a national scale, it was recognised that there was little opportunity for the Commission to influence this work. It was further noted that much of the discussions on local impact would take place at City Region level.

- 2.3 Given that the Strategic Director of Regeneration and Environment was reviewing contractual arrangements with Dignity in respect of bereavement services in cemeteries and crematoriums, it was considered that this should not be included for review. Members indicated that they would require an update report on the progress made in reviewing the contractual arrangement with the service provider given the varying quality of service being anecdotally experienced across the Borough.

- 2.4 The following items were considered to be relevant to the Commission's work programme where Members could add value:

- Emergency Planning

- Public Transport across the Borough
- Regeneration of Town Centres

3. Key Issues

- 3.1 On 8 July 2016, members of the Overview and Scrutiny Management Board commenced the work planning and prioritisation process for the 2016/17 municipal year. In doing so they adopted the use of the 'PAPERS' prioritisation tool following advice from the Centre for Public Scrutiny. The acronym PAPERS highlights the following considerations for prioritisation in work programme for Overview and Scrutiny:

Public Interest: the concerns of local people should influence the issues chosen for scrutiny;

Ability to change: priority should be given to issues that the Committee can realistically influence;

Performance: priority should be given to the areas in which the Council, and other agencies, are not performing well;

Extent: priority should be given to issues that are relevant to all or large parts of the district;

Replication: work programmes must take account of what else is happening in the areas being considered to avoid duplication or wasted effort;

Statutory responsibility – where an issue is part of a statutory duty to scrutinise or hold to account.

- 3.2 This report requests that the Commission formally prioritises the three items listed above at paragraph 2.4 according to the PAPERS prioritisation tool. Once this has been done and formally agreed, work can commence to plan what review work may be undertaken and what papers will be brought to future meetings in accordance with the work programme.
- 3.3 The Commission should be mindful of the timeliness of the matters within its work programme and ensure that it leaves sufficient flexibility within its work programme to undertake any pre-decision scrutiny arising from matters in the Forward Plan of Key Decisions or any items referred to it directly from either the Cabinet or the Overview and Scrutiny Management Board.

4. Options considered and recommended proposal

- 4.1 Members of the Improving Places Select Commission have already commenced the process of planning a work programme and this paper is submitted to assist the finalisation of the work programme for the year ahead.

5. Consultation

- 5.1 In developing its work programme, the Commission should have regard to input from Cabinet, Senior Leadership Team, partners and the public who may identify issues which may be relevant to its remit. The work programme to date has been largely developed by Members.

6. Timetable and Accountability for Implementing this Decision

- 6.1 The Commission is responsible for the preparation and delivery of its own work programme, with support provided by the Scrutiny Team and designated Link Officers from the council's Senior Leadership Team.

7. Financial and Procurement Implications

- 7.1 There are no financial implications arising from this report.
- 7.2 There are no procurement implications arising from this report.

8. Legal Implications

- 8.1 There are no legal implications arising from this report.

9. Human Resources Implications

- 9.1 Members should have regard to the resources required to undertake the activities within a work programme over the course of a municipal year. In doing so, Members should be mindful of their own commitments as well as the available officer resource to support any activity across the authority.

10. Implications for Children and Young People and Vulnerable Adults

- 10.1 There are no implications for children, young people or vulnerable adults arising from this report.

11. Equalities and Human Rights Implications

- 11.1 In developing a work programme, the Commission should be mindful of equalities implications. At the time of writing of this report an equalities impact assessment has not been undertaken, but is a relevant consideration when developing a work programme.

12. Implications for Partners and Other Directorates

- 12.1 Overview and Scrutiny activity will have implications for partners and other directorates. The Commission has been allocated a link officer to work with Members to identify implications in the planning of Overview and Scrutiny activity and this will form part of the considerations of Members.

13. Risks and Mitigation

- 13.1 There are no risks directly arising from this report.

14. Accountable Officer(s)

James McLaughlin, Democratic Services Manager & Statutory Scrutiny Officer

Approvals Obtained from:-

Strategic Director of Finance and Corporate Services:- N/A

Assistant Director of Legal Services:- N/A

Head of Procurement (if appropriate):- N/A

Christine Majer, Scrutiny Officer

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This report is published on the Council's website or can be found at:-

<http://moderngov.rotherham.gov.uk/ieDocHome.aspx?Categories=>

Terms of Reference for Improving Places Select Commission

The Improving Places Select Commission is tasked with carrying out in depth overview and scrutiny reviews as directed by the OSMB, including

- Scrutinising community cohesion and social inclusion and the Council's specific initiative to promote them
- Scrutinising tourism, culture and leisure services and strategies.
- Scrutinising borough wide housing and neighbourhood strategies
- Scrutinising economic development and regeneration strategies and
- Scrutinising the environment and sustainable development

**Improving Places Select Commission
Notes from the Informal meeting
Wednesday 20th July 2016**

Attendees:

Cllr Allen	Cllr Atkin
Cllr Buckley	Cllr Mallinder (Chair)
Cllr Marles	Cllr Price
Cllr Turner	Cllr Walsh
Cllr Wyatt	

James McLaughlin	Democratic Services Manager
Chris Majer	Scrutiny Officer

Apologies:

Cllr Jepson
Cllr Jones
Cllr Whysall

- 1 Terms of Reference for Improving Places to be circulated **Action Point** **CM**
- 2 Notes from this informal meeting to be sent to James McLaughlin to be published with the Agenda for the next formal meeting on Friday 29th July 2016 at 11:30 **Action Point** **CM/ JMcL**
- 3 **Pre Meetings prior to the Commission meeting.**
Discussions took place regarding the various options for pre (planning) meetings. CM outlined the ways in which other Commissions operate.

Suggestions to use the computer app – Share Point to elevate the need for a meeting when discussions can take place on line, with Members have the option to join the discussions when available/necessary.

Action Point – Share Point to be looked at as a suitable tool for pre meeting/planning discussions **CM/ JMcL**
- 4 **Forward Plan of Key Decisions/Pre Decision Scrutiny**
After discussions, the meeting supported the view that more detailed information was needed on the Forward Plan of Key Decisions, as currently it lacked context. This information was needed to allow Members to take a more informed decision in respect of identifying items for pre-decision scrutiny.

Action Point. For further details to be included on the Forward Plan of Key Decisions including a column to highlight which Commission the decision relates to.

JMcL

5 Work Programme

Working from a list of proposals each topic was discussed in turn and the following decisions agreed. .

The prioritisation tool PAPERS was used to assist with choosing topics.

Dignity – Damien Wilson, Strategic Director of Regeneration and Environment was currently undertaking a detailed review of the contract. Members identified that they wanted to invite Damien to attend a meeting when an assessment had been completed. A decision will be made once the information has been presented as to whether further work would be required by the Commission.

The following projects were identified as potential topics for more detail review.

Rotherham Town Centre

The point was raised that the regeneration of town centres across the borough required consideration. Whilst recognising the importance of Rotherham Town Centre, it was noted that other town centres required attention and Members would value an overview of what is being done to develop other town centres.

Transport

It was noted that public transport in rural areas is an issue. Members were also mindful that not everyone has the option of owning a car, and there was a need to ensure that those without cars have suitable options for travel.

Emergency Planning

This has been a shared service with Sheffield for approx. four years and no examination of how the service was operating had been carried out. As nine years had elapsed since the floods of 2007, it was thought this would be a good time to be assured that lessons have been learnt from that experience and other incidents that have occurred elsewhere nationally since that time.

The following projects were not prioritised for inclusion on the work programme.

HS2

As this was a Government Initiative on a national scale, it was recognised that there was little opportunity for the Commission to influence this work. It was further noted that much of the discussions on local impact would take place at City Region level.

Impact of Business Rate Retention.

It was not clear exactly how Business Rate Retention would operate and further decisions would be required locally and nationally before the Commission could add value.

Housing Revenue Account

It was noted that this was something much larger than the Commission could realistically seek to review and have an impact on. It was also noted that the Neighbourhood Working Member Review Group would also be looking at this area within its activities.

It was suggested that the list be prioritised and one topic chosen for further detailed review.

Cllr Allen indicated that she would submit apologies for the next meeting and highlighted her preference for Town Centres, which is also the preferred option for Cllr Price.

Cllr McNeely requested the dates for any review should be listed at the start of the process so they could be included in Member's diaries and not wait until the end of each meeting to decide when the next meeting should be.

6 Date and Times of Improving Places Select Commissions.

The meeting was asked about the current dates/times of IPSC meetings for the rest of the year and whether or not changes needed to be made to them.

The meeting agreed to keep the existing dates but meet at 1pm for a Member Pre-Meeting with the commission meeting formally commencing at 1:30p.m in public.

7 Date and Time of Next Meeting

Friday 29th July at 11:30a.m. – Council Chamber, Rotherham Town Hall