

**IMPROVING PLACES SELECT COMMISSION
Tuesday 11 July 2023**

Present:- Councillors Wyatt (Chair), Andrews, Atkin, Aveyard, C Carter, T. Collingham, Cowen, Ellis, Havard, Khan, McNeely, Taylor and Tinsley. Co-opted members Mrs K. Bacon and Mrs. Mary Jacques also attended on behalf of Rotherham Federation of Communities.

There were no apologies for absence received.

The webcast of the Council Meeting can be viewed at:-

<https://rotherham.public-i.tv/core/portal/home>

9. MINUTES OF THE PREVIOUS MEETING HELD ON 6 JUNE 2023

The Chair placed on record his thanks to the Arts and Heritage volunteers and staff within the Culture, Sport and Tourism team for sharing their time and expertise at the site visit to the restored historic Keppel's Column visitor attraction on the morning of the meeting.

Resolved:-

That the minutes of the previous meeting held on 6 June 2023, be approved as a true and correct record of the proceedings.

10. DECLARATIONS OF INTEREST

Cllr McNeely declared a personal interest as a tenant of the Council.

11. QUESTIONS FROM MEMBERS OF THE PUBLIC AND THE PRESS

The Chair advised that there were no members of the public or representatives of media organisations present at the meeting and there were no questions in respect of matters on the agenda.

12. EXCLUSION OF THE PRESS AND PUBLIC

The Chair advised that there was no reason to exclude members of the press or public from observing discussion of any items on the agenda.

13. APPOINTMENT OF REPRESENTATIVE TO THE HEALTH WELFARE AND SAFETY PANEL

Resolved:-

1. Councillor Rose McNeely was appointed to serve on the Health, Welfare, and Safety Panel for the 2023-2024 municipal year as a representative of Health Select Commission.

14. DRAFT DAMP, MOULD AND CONDENSATION POLICY

Consideration was given to a report outlining a draft policy presented by the Assistant Director of Housing and the Interim Head of Contracts, Investment and Compliance in respect of the Council's response to damp, mould and condensation in council-owned properties.

The report provided an update on the current processes in place to deal with reports of damp, mould and condensation and a summary of the Draft Damp, Mould and Condensation Policy. The Council adopts a zero-tolerance, pro-active approach to reports of damp, mould and condensation in council-owned properties and provides support to private rented tenants to address hazards within their homes.

The Draft Damp, Mould and Condensation Policy has been compiled in response to the Housing Ombudsman reports in relation to damp and mould, and the proposals for Awaab's Law which will require landlords to fix reported health hazards within specified timeframes.

In discussion, Members sought an opportunity to view the easy read leaflet which had been made available online.

Members were pleased to see a proactive approach taken, and also expressed concerns around challenges to addressing hazards in the Private Rented Sector (PRS), where the Council has limited powers. The response from the head of Community Safety referenced the government consultation and deferral of incoming legislation that will clarify additional powers for local authorities in respect of the PRS. There were two separate areas within PRS, one of which involves Selective Licensing, which are areas where the Council can have a proactive approach. In these areas the Service is able to inspect the properties. It was noted that the way the Service captured category 1 and category 2 hazards, did not distinguish between mould and damp and other types of hazards.

Some of the wider challenges were that the renter had to come to the Council, knowing how to recognise that there was a problem, being able to overcome barriers. Further, renters had to know their rights, as many renters are hesitant to report because of concerns about rising rent or eviction. The Service promoted engagement through residents' associations and newsletters. Still, these approaches did not offer a quick solution. Training front line services was also important. Early Help workers can spot challenges and know who to contact. Work in schools also promoted early intervention education and spreading the message as proactively as possible. Members acknowledged the importance of frontline staff having awareness and noted that working with colleagues in services who do home visits within the community.

Members noted that many former council houses are now in private hands, so there needed to be information made available to privately rented and owned sectors as well. The leaflet was given to repair people

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with frequently asked questions and preventative advice around keeping areas well ventilated.

Members also sought further reassurances that the Service is keeping up with the 238% increase in referrals with the technical staff having increased only by 50%. The response from officers noted that technical officers have a target seven working days to take action. With the increased resource, the team was able to meet that target in almost all cases. Currently the team were looking at ways to make some processes more efficient so that the burden on technical officers reduces. Incoming law had yet to be enacted that will set a minimum response time for damp and mould issues in social housing. The thorny issue of funding for the resourcing will need to be explained. There will be a need to review the policy to ensure it aligns with the new law. It was clarified that the statistics include social housing only.

Members noted the zero-tolerance approach and the understanding that the problem should not be approached as a result of lifestyle. Members sought further information around training that is given to ensure that this is not the assumption. The response from officers noted that in all cases, the emphasis should be dealing with the problem rather than saying it is a lifestyle problem. This is because there could be other things besides drying clothes causing the issue. There can be various contributing factors such as leaks. Therefore the team rolled out training with contractors Equans and Mears emphasising that they are the Council's eyes and ears to pick up on damp and mould issues. The first contact can set the tone for the relationship around mould and damp.

Members noted that the partial picture which included social housing rather than private housing, and requested more details. The response from officers noted that the Service had reported to the Secretary of State an estimated 7% of PRS properties had a category 1 or category 2 damp issue. Regarding PRS properties, the Council had received 93 complaints specifying damp and mould at the time of the complaint in 2019/20. In 2020/21 there were 63. In 2021/22 there were 44.

Resolved:-

1. That the process in place to deal with damp, mould, and condensation be noted.
2. That the Service note the feedback on the approach especially in regard to the picture in the Private Rented Sector.
3. That the leaflet be circulated to members electronically and in paper format.
4. That an update on the implementation of the policy be submitted in 12 months' time.

15. COST OF LIVING AND RENT ARREARS IN COUNCIL HOUSING

Consideration was given to a briefing report presented by the Assistant Director of Housing and the Business and Commercial Programme Manager in respect of the impact the cost-of-living crisis is having on Housing Services and the response. In the context of high inflation, the Council kept under review whether the current housing service offer meets the evolving needs and priorities so that resources can be targeted effectively. This briefing provides an overview of the current position and changes to the Council's approach. The briefing identified three key stages in how the Housing Service supports tenants, who are some of the most vulnerable residents in Rotherham who will be affected to varying degrees by the cost-of-living crisis.

Three key stages on the tenant's journey were described. Affordability assessments and income and expenditure checks were described as part of the Housing Allocation and pre-tenancy support phase. Some checks are light touch whilst others are more in depth depending on the needs of the prospective tenant. The aim of the Service is to offer appointments for checks in greater numbers and to offer some appointments to the homelessness service.

Income collection for housing rents had been top quartile in national benchmarking for several years following the service transformation which took place in 2017. The Service had to balance the fact that it is often the housing provider of last resort against the need to maintain a healthy Housing Revenue Account to fund vital services to tenants and investment in housing growth.

Income collection is undertaken in accordance with the Ministry of Justice Pre-action Protocol. The Council had a twelve-stage process for the escalation of rent accounts in arrears. Over the past five years, there had been a significant reduction in the number of tenancies failing due to rent arrears which was reflected in the relatively small number of evictions.

Arrears recovery commences when an account is three weeks net rent or more in debt (and minimum arrears balance of £30). The recovery processes continue on a weekly basis until a Notice Seeking Possession would be served at week five unless the arrears balance is less than £355 (proportionality of debt vs costs). This is if the tenant does not engage with the Council to put a payment plan in place. Where a tenant is at risk of losing their tenancy a referral is made to the Tenancy Support team who provide holistic support to tenants.

The handling of credit balances, tenancy support provision, and the approach to tenancy health checks were also described. Referrals into the team were rising and it was expected that the complexity and the rate of referrals would continue to rise. Given the increase in rents and service

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charges, alongside the significant increase in the cost of living, it was thought likely that income collection rates will deteriorate, and current tenant arrears balances will increase during 2023-24. That said, similar deterioration in performance had been expected in 2022-23, which to date had not materialised. In view of the success of collection and the extensive support that is provided to tenants through the rent recovery process, it was not intended to adjust the current process.

In discussion, Members noted the good financial performance, especially against benchmark authorities, and stressed the importance of affordability in sustainable tenancies.

Members requested further clarification around timescales reflected in the charts. The response from officers noted that the figures illustrated up to December and the and also for the full year and included the tenancy breaches. Further clarification was provided that the figures included December to May, and that the Service had 190 evictions in the last three months. This was believed to be from the Covid-19 pandemic, following a backlog of processing of evictions through the courts.

Members sought further reassurances around the approach to initiating the process when someone was three weeks or more in debt, as some people who pay weekly may not know they are behind. Furthermore, members sought reassurances that the Service took account of universal credit timelines which could take up to six weeks or more. The response from officers noted that if a tenant goes three weeks or more into arrears, they get a letter advising them that they are in arrears. If someone is not in a direct debit payment, if it is out of their normal payment cycle, this will correspond to the timescales appropriate for their individual payment cycle. The service did not get a notification if a tenant transfers onto universal credit. The Service did not have a way to know unless notification is received from the tenant or from the DUP themselves.

Members sought further reassurances that arrangements around credit balances are agreed with tenants. The response from officers provided assurances that, if a tenant calls and they are in credit, the Service will issue a refund, maintaining a one-week credit. The Service refunds between £60,000 and £70,000 per week. The campaign to refund is ongoing. Because a week in advance was desired, many people choose to be more in advance than that.

Members sought additional information around wait times between referral and appointments, and how expanding the team would bring down waiting times. The response from officers noted that wait times had been increased. Although upon the referral, there was contact immediately, and some tenants had issues that could not be delayed. Telephone triage was done immediately. Tenants get help with claimants within a few weeks. The team were in the process of recruiting and had immediately seen a drop in waits. Five referrals were promptly being handled each week.

Resolved:-

1. That the report be noted.
2. That the feedback of Members be noted.

16. PLAY PROCUREMENT AND INSTALLATION

Consideration was given to a presentation by the Cabinet Member for Social Inclusion, the Green Spaces Manager and the Assistant Director for Culture, Sport and Tourism. The presentation summarised the responsibilities of the Green Spaces Play Maintenance Team, which provides play inspection and minor maintenance through its small play team, for equipment belonging to Green Spaces, Housing Services and some Parish Councils. The Play Manager is also able to advise services regarding options available to them when equipment requires repairing or replacing. This team is responsible for 34 Green Spaces play areas, 26 Housing sites, and 30 Parish Council sites for which a Service Level Agreement is in place to carry out monthly inspections.

Maintenance Costs were also explained as part of the presentation. Councils pay a fixed cost per play area for inspections, and they paid for repairs by agreement or undertook the repairs themselves. The Housing Service pays a fixed cost per play area for inspections but covered the revenue cost for repairs within Housing Service budgets. All Council play areas received:

- Routine visual inspections at least monthly.
- Routine maintenance inspections quarterly.
- Annual inspection by an external inspector.

All 'faults' are risk assessed and priority for maintenance is given to the highest risk faults. The highest scored risks carried by the Council, have seen a steady reduction over the last 10 years and continue to reduce. If a fault cannot be rectified within budget or within a reasonable timescale, often temporary or permanent removal of the faulty equipment is the only available option to ensure children's safety.

A full-time Play & Horticulture Manager, a full-time Play Maintenance Operative, and a Play Inspector (0.8 FTE) made up the Play Team. Green Spaces Play Team undertakes minor works such as replacing parts, as well as ordering small scale new and replacement works up to £10,000. Works over £10,000 tend to be more complex in nature with regard to procurement and management (owing to Construction, Design and Management (CDM) regulations).

The Role of the Landscape Design Team was also summarised. The Landscape Design Team has the capacity and experience to undertake medium and large-scale play improvement projects. All such improvement projects have been undertaken by Landscape Design as a standard method of delivery for many years.

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Decision-making around budget allocation was summarised and followed a risk management approach, with highest risks prioritised to ensure safety. Ward members were made aware, where possible, before equipment is removed, and involved through Neighbourhood Co-ordinators if new capital investment in play equipment is being made.

In discussion, further information was requested in respect of how the large scale work was programmed. The response from the Cabinet Member and officers noted that this was done for larger projects through the Landscape Design team. The Green Spaces team works tended to be on the whole more reactive, small scale and remedial. There were two funding streams that had limited time available to get the projects in place, the service believed there was time to get these projects completed through Section 106 and Infrastructure Levy funds. The smaller scale works could be done in the same way as they have been. It was noted the ward budgets do get used for individual pieces of equipment. Members were advised not to leave the arrangements for this until the turn of the year, as the site must be assessed. The lead time for ordering play equipment is usually three months up to 18 weeks. The procurement leading time is also around 9 months. These lead times must be programmed, making it not a simple task.

Clarification was sought regarding responsibility for the maintenance of the rides in Clifton Park. The children's amusement mechanical rides in the centre of the park were leased to a company called Green Space Leisure who had responsibility for the maintenance of the rides themselves, with the Service responsible for the maintenance of the surrounding areas.

Clarification was requested regarding the charges to those Parish Councils who use the Service. If the Parish Councils undertake their own repair work, the Service has a fixed price for the inspection based on the monthly charge. It does cost the Council to provide the service, and the Council wants to provide this to ensure children are safe. The Service adds 6% to enlist repairs on their behalf, which is still competitive versus private companies.

Members requested clarification around the average wait time for repairs. The response from officers noted that a repair that is medium or high risk is done either same day or within the week, some are monitored, such as the wear on a rubber grass mat. The approach taken was to manage risk.

Members requested additional reassurances that there are officers across the teams who are empowered to make decisions. The response from officers and the cabinet member noted that the landscape design team had been consulted, and that visual inspections and work with litter picking teams had continued. Managing staff absences can be uncertain and outside officers' control, altering timescales. However, nothing had stopped, and the work was progressing.

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Members noted that all Council play areas receive inspections and sought further reassurances that Parish Councils and Housing play areas receive these inspections as well. The response from officers and the Cabinet Member provided assurances that guidance had been issued that they were responsible to maintain play equipment on their own land. Their staff had been trained in visual inspections or they contracted with the Service to do the inspections. The Service were still called upon to advise from time to time on play houses.

Members noted the big rises in costs of play equipment which necessitated finding additional moneys somehow. The response from officers and the Cabinet Member acknowledged that communication is important because, sometimes, when there are features taken out, this can make people very sad.

Members expressed concerns that the alternative of employing Landscape Design can add a big charge not in ward budgets. The Assistant Director of Culture Sport and Tourism offered to speak with Members about specific projects, and how to move them forward to a resolution. There is nothing to stop other officers from providing advice; however, if the request is complex, the project must be referred to Landcape Design. This team starts the year with a zero budget. Their fees are very competitive but are not revealed publicly because it is commercially sensitive.

Members suggested that the Service communicate in writing to Members to let them know about the timescales and how to escalate work where they are struggling to move forward. This was needed because the money will not be carried over to the next year. The response from the Assistant Director of Culture, Sport and Tourism noted that the sooner the Service has an understanding of the volume of works, the Service could assess the need and form a plan of what is needed to deliver the volume of projects that is desired. It was affirmed that all want to see the best provision possible for children to play, develop, socialise and enjoy being a child.

Resolved:-

1. That the follow up work to assess the volume of desired projects be noted along with the timescales on budgets.

17. WORK PROGRAMME

Consideration was given to a draft outline programme of scrutiny work for the 2023-2024 municipal year. The Chair provided an update on the progress of the Nature Recovery Review which on 21 July 2023 will conduct site visits from 10.30 am to Silverwood and Centenary Riverside, followed by a hybrid meeting to establish preliminary findings of the review.

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Resolved:-

1. That the report and proposed schedule of work be noted.
2. That authority be delegated to the Governance Advisor in consultation with the Chair and Vice-chair to make changes to the schedule of work as appropriate between meetings, reporting any changes back to the next meeting for endorsement.

18. URGENT BUSINESS

The Chair advised that there were no urgent items requiring a decision at the meeting.

19. DATE AND TIME OF THE NEXT MEETING

Resolved:-

The next meeting of the Improving Places Select Commission will take place on 19 September 2023 commencing at 1.30pm in Rotherham Town Hall.