

## **SUSTAINABLE COMMUNITIES SCRUTINY PANEL**

**Venue: Town Hall, Moorgate  
Street, Rotherham.**

**Date: Thursday, 16th September, 2010**

**Time: 9.30 a.m.**

### **A G E N D A**

1. To determine if the following matters are to be considered under the categories suggested in accordance with the Local Government Act 1972.
2. To determine any item which the Chairman is of the opinion should be considered as a matter of urgency.
3. Apologies for Absence.
4. Declarations of Interest.
5. Questions from members of the public and the press.
6. Communications

### **FOR PRESENTATION**

7. Presentation by the New Chair of 2010 Rotherham Ltd.

### **FOR MONITORING**

8. Proposals around the Future Shape of Social Housing (Pages 1 - 7)
9. Choice Based Lettings – Improving the Service from a Customer Perspective (Pages 8 - 24)

### **FOR INFORMATION**

10. Cabinet Member for Housing and Neighbourhoods
  - [5th July](#)
  - [19<sup>th</sup> July](#)
  - [9<sup>th</sup> August](#)

## MINUTES FOR INFORMATION

### 11. Sustainable Communities Scrutiny Panel (Pages 25 - 36)

**Date of Next Meeting:-**

**Thursday, 28 October 2010**

**Membership:-**

Chairman – Councillor The Mayor (Councillor McNeely)

Vice-Chairman – Councillor P. A. Russell

Councillors:-Atkin, Blair, Cutts, Ellis, Gamble, Havenhand, Hodgkiss, Nightingale and Walker

Co-optees:- Mr. J. Carr (Environment Protection UK), Derek Corkell (RotherFed) and Andrew Roddison (RotherFed)

<b>1.</b>	<b>Meeting</b>	<b>Sustainable Communities Scrutiny Panel</b>
<b>2.</b>	<b>Date</b>	<b>16 September 2010</b>
<b>3.</b>	<b>Title</b>	<b>Discussion paper: Proposals around the Future Shape of Social Housing</b>
<b>4.</b>	<b>Directorate</b>	<b>Neighbourhoods and Adult Services</b>

## **5. Summary**

This report is a discussion paper designed to assist understanding and encourage views on a number of new proposals from Government around social housing policy. This paper attempts to put these proposals in a Rotherham context and highlights what the potential impact of such policy changes could be.

The issues covered include:

- ALMO Options Appraisal
- Change in Tenure Type
- Decent Homes Programme
- Mobility of Social Housing Tenants
- Housing Revenue Account Reform
- Rent Convergence
- Housing Benefit Review
- Tenant Services Authority

Currently, the details around many of these proposals are limited.

## **6. Recommendations**

**That the Panel note the range of proposals coming from Government and comment on any further work they may wish to undertake around these issues.**

## 7.1 ALMO Options Appraisal

Many local authorities across the country are carrying out options appraisals around the future management of their council housing stock. So far the bulk of authorities who have reappraised their ALMOs are based in and around the South East.

The options for local authorities with ALMOs include:

- taking the services back in house
- developing a new ALMO agreement with a clear and, if necessary, revised remit
- transferring ownership of all housing stock to a registered provider
- transforming the existing ALMO into a new organisation, to own and manage stock
- transforming the existing ALMO into a 'community-owned, council-owned' organisation ('COCO')

For each of the above options a clear understanding of the detailed service quality and financial implications is required, in the context of existing arrangements and the new Housing Revenue Account self-financing regime (see paragraph 7.6).

### Rotherham's Situation

RMBC established 2010 Rotherham Ltd in 2005, following extensive consultation with tenants and residents, to improve the management of council housing and lever in investment for Decent Homes works. As at 1<sup>st</sup> April 2010, the ALMO had delivered £276m of investment, and all homes (except for refusals) will meet the Decent Homes Standard by the end of December 2010. The management agreement with the ALMO expires in June 2011 and the Council will need to make a decision on the most appropriate model for the future management of housing

Some services to tenants are shared between Neighbourhood and Adult Services and the ALMO (allocations and lettings, neighbourhood management and antisocial behaviour). However, more work needs to be completed to identify the best way of delivering these cross-cutting services and this will be a central driver for the options appraisal.

From a tenant perspective, interest primarily focuses on the effectiveness of the services received, rather than the nature of who provides those services. One of the issues that cause confusion is the demarcation of services between 2010 Rotherham Ltd, RMBC and other service providers.

RMBC has commissioned PriceWaterhouse Cooper (PWC) to conduct an appraisal of the options for the future management of Rotherham's council housing. PWC will provide an illustration of the financial and service quality implications of the most appropriate model with a clear recommendation on which to base tenant and stakeholder consultation. PWC will report by the end of September at which point a clear consultation plan will be developed.

The evaluation criteria include the following:

- The financial viability of the organisation with particular regard to the breakdown of its revenue expenditure and value for money
- The financial capacity and freedom of the organisation to invest in the stock at the required levels, maintain the current standard and, ideally, make further improvements
- The clarity of the relationship between the organisation and Council, which should be effective, efficient and understood by tenants and which should contribute towards the delivery of Council objectives
- The capacity and freedom of the organisation to borrow money to invest in the delivery of new 'social housing'

### **7.2 Change in Tenure Type**

The Government has recently suggested that new social tenants in the future could be offered a home for a fixed period of time in the belief that this may help meet the demand for council housing and ensure that tenants whose circumstances improve move on.

Ministers have not given any details about how any new policy would be implemented but potential options could include;

- requiring tenants to give up their tenancies if their circumstances improve
- increasing rent to market levels
- encouraging tenants to buy a share in their property.

It is not know how 'an improvement in tenants' circumstances will be defined but there has been a suggestion that tenants' circumstances could be reviewed every 5 or 10 years.

#### Rotherham's Situation

It is possible that a change in tenure type could lead to a greater turn-over of tenancies and an increase in costs through rent lost during the amount of time a property remains vacant between the outgoing/incoming tenants and the repairs and maintenance works required while the property is void.

### **7.3 Decent Homes Programme**

Nationally, the number of non decent council homes sits at around 400,000 and around £3.2 billion will be required to finish the decent homes programme.

Reforming the housing subsidy system could help councils who have achieved decency standards maintain their properties but councils with substantial numbers of non decent homes would need more help. Currently, no additional funding will be available to local authorities who have not completed their decent homes programme.

#### Rotherham's Situation

Rotherham is on target to complete decent homes works across all its properties by the deadline of 31 December 2010.

#### **7.4 Mobility of Social Housing Tenants**

Currently, the scope for existing social housing tenants to move to other parts of the country, to be closer to family or for employment reasons, and remain social housing tenants is limited.

Some registered providers administer a 'home swap' scheme which facilitates the movement of tenants from and to properties in their ownership but this is limited and not feasible for registered providers who own stock in just one geographical area.

The Government wishes to see a national database set up to support social tenants who wish to move to another part of the country while remaining in the social rented sector.

##### Rotherham's Situation

According to the Strategic Housing Market Assessment, 2007, Rotherham's housing market is contained with around 76% of households moving within the Borough.

RMBC has registered with a national mobility scheme called 'Home Swapper'. The Council has funded this service to enable Rotherham's tenants to register free of charge. Once registered, tenants can view possible matches and contact exchange partners to explore potential moves. If a move is mutually agreed, both parties involved must contact their respective landlords.

Many residents in the south of the Borough look to Worksop for employment, leisure and shopping, and residents in the north look to Barnsley. It is likely that some tenants may prefer to move from Rotherham, across local authority boundaries, to those neighbouring towns.

#### **7.5 Housing Revenue Account Reform**

In July, the Department of Communities and Local Government finished consulting with Housing Authorities on proposed changes to the current national council house subsidy system on replacing it with self-financing arrangements.

Under the existing system, spending on housing functions such as repairs and housing management is determined centrally and resources allocated accordingly. Depending on the levels of rent collected, some authorities receive subsidies while those who meet their costs through their rental income have surpluses redistributed via the centre. Of the capital receipts gained through Right to Buy, 25% remain with the local authority and the rest is collated centrally.

The proposed self-financing system would allow local authorities to retain all rental income and capital receipts gained through Right to Buy. The proposals assume a one-off allocation of debt to each council – each authority has been 'offered' a level of debt which would be fixed on the settlement date of 1 April 2011. This figure will be based on calculations of estimated income and expenditure.

Most local authorities have indicated their support for the proposed changes to the finance system, as the proposals will give them the flexibility to:

- Repay the housing debt early
- Generate HRA surpluses
- Deliver a range of additional housing capital investment
- Build new homes

If a sufficient majority of local authorities accept the proposal, it is likely that the new system would be in place from 1<sup>st</sup> April 2011.

### Rotherham's Situation

The details of the proposals and the implications for Rotherham were reported to SLT on 28<sup>th</sup> June 2010, and a seminar for Elected Members was undertaken on 1<sup>st</sup> July to explore the implications for Rotherham further, prior to submission of the completed consultation form.

The level of debt 'offered' to Rotherham Council to move to self-financing is lower than the amount of debt currently being serviced.

Current modelling suggests that through HRA self financing there would be sufficient resources to invest in existing housing and build new council houses, which supports RMBC's housing strategy key objectives.

However, the level of resources available to RMBC will be directly affected by rent levels, and this is discussed in more detail under section 7.6.

### **7.6 Rent Convergence**

In 2002/3, Central Government set a formula to bring the rents charged by local authorities and registered providers of broadly comparable social housing, in line with each other. The formula takes into account inflation rates, relative earnings and property values. This is known as rent convergence or restructuring, and target increases were set each year, to achieve convergence by 2015/6.

The proposed Housing Revenue Account business plan model under self-financing assumes the rent levels will continue to increase and achieve convergence. This would ensure additional resources are available for investment in housing stock.

### Rotherham's Situation

The level of rent for Rotherham's housing tenants is amongst the lowest in the country. Should the proposals around HRA reform be realised, achieving convergence would make more money available for Rotherham to invest in affordable housing.

Across the Borough, 26.2% of residents are in receipt of housing benefit and this figure is likely to increase when looking solely at council tenants, therefore, rent

convergence cannot be looked at without considering the proposals around the review of housing benefit.

### **7.7 Housing Benefit Review**

A range of measures will be introduced from April 2011 onwards. It is believed that 'these changes will remove payments that trap benefit claimants in poverty'.

The package of reforms include:

- Deductions for non-dependents: reverse previous freezes on uprating and maintaining the link with prices from 2011-2012
- Uprate benefit rates with Consumer Price Index from 2013/2014 (instead of by the higher Retail Price Index)
- Cap the maximum Local Housing Allowance payable for each property size, with a 4 bed limit from 2011/2012
  - £250 for one-bed properties p/w
  - £290 for two-bed properties p/w
  - £340 for three-bed properties p/w
  - £400 for four bed properties p/w
- Limit the receipt of full housing benefit for claimants who can be expected to look for work; reduce to 90% after 12 months from 2013
- From 2013/2014, restrict housing benefit for working age claimants in the social rented sector who are occupying a larger property than their household size warrants

#### Rotherham's Situation

The reforms may see landlords avoiding letting their properties to people who are in receipt of housing benefit. Some settlements in Rotherham have high numbers of privately rented properties (Model Village, Little London and China Town in Maltby) could be more susceptible to such a change.

The reforms could place RMBC in a difficult position – being asked to house the most vulnerable but facing the prospect of arrears if someone's housing benefit is cut because they are unable to find work.

As with most local authorities, RMBC does have a number of under-occupied properties and linking housing benefit to the size of homes could provide a spur to free up larger, under-occupied properties.

### **7.8 Tenant Services Authority**

Extensive work was carried out across local authorities to align current service standards to the new Tenant Services Authority framework. However, the Housing Minister has made it clear that the TSA will not remain as the regulator. It is therefore unclear as to how future housing inspections will be carried out.

#### Rotherham's Situation



The future of the TSA is still unknown but Government values the TSA's service standards and local offer.

2010 Rotherham Ltd has been running a task and finish group with tenants and leaseholders to agree Rotherham's service standards and the local offer. Consultation on the draft standards is imminent with plans to 'go live' in January 2011.

### **8. Financial implications**

The key financial implications arising from this discussion paper are as follows:

- HRA self-financing: This is likely to have a positive financial impact for Rotherham.
- Rent restructuring: Rents will need to be re-profiled to achieve convergence under the target rent setting formula
- Housing benefit reform: This is likely to have a negative financial impact for Rotherham.

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### **9. Risks and uncertainties**

With few details available on many of the housing related proposals included in this paper, it is difficult to carry out a meaningful analysis of risk.

### **10. Policy and performance agenda implications**

The issues discussed in this report highlight implications for several key RMBC agendas, including those relating to community safety, housing, social care needs for the young, old and vulnerable, climate change and financial inclusion.

### **11. Background papers and consultation**

Chartered Institute of Housing Weekly Briefing  
Inside Housing

### **12. Contact name**

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<b>ROTHERHAM BOROUGH COUNCIL – REPORT TO CABINET MEMBER</b>
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<b>1. Meeting:</b>	<b>SUSTAINABLE COMMUNITIES SCRUTINY PANEL</b>
<b>2. Date:</b>	<b>16<sup>TH</sup> SEPTEMBER 2010</b>
<b>3. Title:</b>	<b><i>Choice Based Lettings – Improving the Service from a Customer Perspective</i></b>
<b>4. Programme Area:</b>	<b>Neighbourhoods and Adult Services</b>

### 5. Summary

This report provides details of progress made against the recommendations of the Sustainable Scrutiny Review into Choice Based Lettings (CBL) – ***improving the service from a customer perspective***. All the recommendations of the CBL Scrutiny Review have been actioned. The report was initially endorsed by Sustainable Communities Scrutiny Panel and Performance and Scrutiny Overview Committee at their meetings of 16 July 2009 and 24 July 2009 respectively and Cabinet on 23<sup>rd</sup> September 2009. Progress against the actions was presented to Cabinet Member for Housing and Neighbourhoods on 30<sup>th</sup> November 2009, and later to Sustainable Scrutiny Panel during December 2009. It was agreed that a progress report would be provided in 6 months to both Cabinet Member next meeting on 19<sup>th</sup> July 2010) and then Sustainable Scrutiny Panel on 16<sup>th</sup> September 2010. (See Appendix A)

### 6. Recommendations

- **BOTH CABINET MEMBER AND SUSTAINABLE SCRUTINY PANEL AGREES THAT THE RECOMMENDATIONS OF THE SUSTAINABLE SCRUTINY REVIEW HAVE NOW BEEN ADDRESSED BY RMBC AND 2010 ROTTERHAM LTD.**

## **7. Proposals and details**

### **7.1 Overview**

Scrutiny reviews were carried out of void turnaround times and the Choice-Based Lettings (CBL) process during 2009. The aim of the scrutiny review was to find out the customer experience of the Choice Based Lettings (CBL) Service and to identify any gaps in the service and any areas of work for further development. The term “choice based lettings” is used to mean that an authority uses an advertising scheme as part of its housing allocation policies.

The review report made 25 recommendations, and progress was reported back to Cabinet Member and Sustainable Communities Scrutiny Panel during November and December 2009, at which point all of the 25 recommendations had been actioned. It was agreed that a further progress report would be provided in June 2010. A summary of progress is provided at section 7.2.

### **7.2 Progress against the recommendations of the scrutiny review**

A summary of progress is listed below with a more detailed analysis outlined in Appendix A.

**Recommendation 1:** *That a Sub-regional Choice based Letting (CBL) scheme is not supported unless it can be demonstrated that its introduction will have a positive impact on the availability of housing in the Borough.*

**Complete- Reported as no further action required.**

**Recommendation 2:** *That proposals are put forward to ensure that all Housing Associations in the Borough release 50% of their empty properties for allocation through Key Choices.*

**Reported as completed.**

**Recommendation 3:** *That the Allocations Policy makes explicit reference that the caring responsibilities of non-domicile carers can be taken into consideration when determining the applicant's housing category.*

**Reported as completed**

**Recommendation 4:** *That this Scrutiny Panel receives further reports on how under-occupancy in social housing can be addressed.*

**Reported as completed.**

**Recommendation 5:** *That the impact of the Allocations Policy is regularly monitored by this Scrutiny Panel.*

**Reported as continuous.**

**Recommendation 6:** *That further reports are presented to the Scrutiny Panel on options for social housing (including the future options for Council Housing)*

**Reported as continuous:** Quarterly reports submitted on progress against 2010 Rotherham Ltd's improvement plan, and a final report will be presented in late 2010 on future delivery of council housing services.

**Recommendation 7:** *That action taken towards the recommendations of 2010 Rotherham Ltd's empty homes service review 'every day counts' (April 2009) be monitored and reported back to the Sustainable Communities Scrutiny Panel in due course.*

**Reported as completed.** The Scrutiny Review of Voids was reported with details progress to Sustainable Communities Scrutiny Panel on 3rd June 10.

**Recommendation 8:** *That a system for the introduction of 'real-time' feedback be introduced as a matter of urgency. This feedback should include property specific information, relating to which need group it will be offered to and an indication of the length of time on the housing register needed to be able to qualify for the shortlist.*

**Reported as 'on target'**

**Recommendation 9:** *That robust measures are put in place to ensure that the Housing Register is up to date, accurate and effective database of customers. To support this, that a random 'audit' of cases takes place throughout the year to ensure that the database is continuing to be effective.*

**Reported as continuous work.**

**Recommendation 10:** *That the current appeals procedure against removal and/or re-assessment of registration date, be reviewed to ensure that they are adequately meeting the needs of customers, and that this system is clearly outlined to applicants.*

**Reported as complete.**

**Recommendation 11:** *That a review of the effectiveness of the Key Choices Property management is undertaken.*

**Reported as complete.**

**Recommendation 12:** *That full equality monitoring of successful and unsuccessful bidders is undertaken (not just on the basis of ethnicity) to inform service improvement and that the Equality Impact Assessment is updated on the basis of this information.*

**Reported as complete.**

**Recommendation 13.** *Explore whether an alternative title to “Direct Homes” can be developed which is more ‘user friendly’, descriptive of its purpose and is easily understood by the public.*

**Reported as complete.**

**Recommendation 14.** *That work is undertaken to improve the information given to existing and potential applicants to ensure that there are clear, simple instructions about how and where to bid (so customers bid on properties that they are interested in); and the rationale for prioritisation of bids*

**Reported as complete**

**Recommendation 15:** *That the website is redesigned using best practice from other authorities. As part of this redesign, the feasibility of ‘virtual tours’ and links with other public services should be explored.*

**Reported as complete**

**Recommendation 16:** *That systems are put in place to ‘quality assure’ the information published via the web and other avenues to ensure consistency.*

**Reported as completed.**

**Recommendation 17** *Customer feedback forms should be located in a more prominent position on all web-pages, including those hosted on the 2010 Rotherham Ltd website.*

**Reported as completed.**

**Recommendation 18** *That consideration be given to giving fuller descriptions of properties, including indication of garden sizes.*

**Reported as completed.**

**Recommendation 19:** *That the weekly results sheet also reports the status of previously advertised properties that are awaiting allocation.*

**Reported as complete.**

**Recommendation 20:** *That proposals are put forward to improve communications and working processes between Key Choices Team and 2010 Rotherham Ltd. This should include measures to ensure that bids received at outlying offices and by telephone are recorded and communicated.*

**Reported as completed.**

**Recommendation 21:** *That information given out at Neighbourhood Offices is comprehensive and consistent. To support this, training should be undertaken with relevant officers in central and Neighbourhood Offices to ensure that they*

*are aware of current developments and processes; this should be updated on a regular basis to address any issues of staff turnover.*

**Reported as completed.**

**Recommendation 22:** *Ensure relevant and appropriate information about local lettings policies and the housing history of prospective tenants are communicated to RSLs/private landlords.*

**Reported as completed.**

**Recommendation 23:** *That the process for advertising properties via local media is examined to ensure it is the best use of staff resources and provides value for money.*

**Reported as completed.**

**Recommendation 24:** *Review the information sent to all Councillors so that they are well placed to answer any housing queries from their constituents. Drawing on good practice from several wards, Members should be encouraged to work closely with Housing Champions to organise 'housing surgeries' to address specific issues about the application process.*

**Reported as completed.**

**Recommendation 25:** *That regular Member briefing/ information sessions on housing related matters are held, particularly following any significant changes to policy.*

**Reported as continuous reporting.**

## **8. Financial implications**

8.1 A number of the review recommendations have incurred financial implications. These included the review of the housing register and provision of more information, such as the Allocation Policy Summary booklet and additional space for advice published in the Rotherham Advertiser property page. This has required the Key Choices service to carry out further exploration to identify funding streams. The opportunity for other landlords to promote their properties with the Key Choices letting scheme, incurs additional costs for advertising and staffing resources. The costs of the revised Allocation Policy Summary Guides are £1600 and £350 (utilised when required) for an additional Property page in the Rotherham Advertiser.

8.2 Whilst increasing housing options consideration of all resource implications has been taken into account including the set up and annual costs of ICT CBL software solutions. The set up costs of Abris (€86K) has been funded in 2009/10 through the Housing Investment Programme and the annual support costs to manage a Common Housing Register and all aspects

of the Choice based lettings functions is funded through the Housing Revenue Account (£20K) However some of the costs will be offset by income generated by recharging other landlords advertising charges for properties other than nominations.

8.3 The opportunity for other landlords to promote their properties with the Key Choices letting scheme, incurs additional costs for advertising but these costs are recouped through recharging arrangements.

## **9. Risks and Uncertainties**

9.1 There are risks associated with not utilising local media to market empty properties. The risks include meeting customer expectations, lack of understanding of the processes which affects the reputation of the Council associated with people waiting for a home, increasing the volume of face to face enquiries visiting the Key Choices Property Shop – currently averaging at 2000 customers each week and the number of telephone enquiries has increased to 100 per day.

9.2 Availability of affordable, quality housing is a key concern for customers and Elected Members. With high demand for housing, it is important that the process for allocation and letting is transparent otherwise it may damage the public perception of the Council and its partners.

## **10. Policy and Performance Agenda Implications**

There are a range of policy and performance implications associated with this report:

### **Performance implications**

- Comprehensive Area Assessment (CAA)
- Impact on Performance measures such as NI 156 – “reduction in use of temporary accommodation
- 2010 - BVPI 212 targets
- Audit Commission’s Key Lines of Enquiry and TSA standards
- 2010 Improvement Plan,
- 2010 Void Management Processes.

### **Policy implications**

- Community Strategy and Corporate Plan
- Housing Strategy
- Allocation Policy – Fair and Flexible guidance
- Homelessness Prevention Action Plan
- Single Conversation ( Homes and Communities Agency)

## **11. Background Papers and Consultation**

## Background papers

- Scrutiny review report for Choice-Based Lettings process and Voids Scrutiny review (reported separately)
- HQN publication “ *What does excellence look like in Allocations and Lettings*”
- HQN publication” *Managing Housing Registers in England*”

## Consultation

Officers within RMBC and 2010 Rotherham Ltd have been consulted on the content of this report. A range of information and evidence has been provided and included in the report from:

- The Sustainable Scrutiny Panel
- Customers through a Fair and Flexible survey – 1147 completed surveys
- Development and Solutions Group
- Independent Living (NAS) and 2010 Rotherham Ltd Away day which was focussed developing an improvement plan
- Neighbourhood and Adult Service’s Finance Manager

### **Contact Name:**

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**Appendix A. Progress against the 25 recommendations of the Sustainable Scrutiny Review of Choice based lettings.**

**Recommendation 1:** *That a Sub-regional Choice based Letting (CBL) scheme is not supported unless it can be demonstrated that its introduction will have a positive impact on the availability of housing in the Borough.*

**Complete- Reported as no further action required**

**Recommendation 2:** *That proposals are put forward to ensure that all Housing Associations in the Borough release 50% of their empty properties for allocation through Key Choices.*

**Reported as completed.** All RSLs operating in Rotherham provide 50% nominations. This is monitored through quarterly performance meetings with each RSL. Housing Associations with more than 250 units/bedspaces is required to complete a log of lettings on a digital software database called COntinuous REcording System (CORE). The number of nominations is recorded on CORE and the results are considered at the performance meetings. At least 5 of RSL's offer 100% nominations, including South Yorkshire Housing Association, Archers, Anchor, Sadelok and Great Places. RMBC have 100% nominations with all new build housing association properties. 100% nominations for move on accommodation and are working with Supporting People accommodation providers to raise awareness of availability.

**Recommendation 3:** *That the Allocations Policy makes explicit reference that the caring responsibilities of non-domicile carers can be taken into consideration when determining the applicant's housing category.*

**Reported as completed.** The Allocation Policy now makes reference to the Adult social care assessment through revised Allocation Policy procedures. This has improved the outcome for the customer as following assessment of their application in respect of requesting to move to provide support; a priority will be awarded if the following information is received:

- Assessment identifies that care and support is given to the customer daily
- Care given must be personal care e.g. assisting with bathing, dressing, medication etc.
- Confirmation of the support given to be obtained by Social Care Assessment (if one undertaken by Adult Services)
- Distance to provide care and family commitments will be taken into account

**Recommendation 4:** *That this Scrutiny Panel receives further reports on how under-occupancy in social housing can be addressed.*

**Reported as completed.** On 1<sup>st</sup> March 2010 Cabinet Member for Housing and Neighbourhoods and on 11<sup>th</sup> March Sustainable Scrutiny Panel considered an under occupancy report and gave approval to introduce under occupancy incentives to encourage tenants that are under occupying large Council houses to downsize.

**Recommendation 5:** *That the impact of the Allocations Policy is regularly monitored by this Scrutiny Panel.*

**Reported as continuous:** Key Choices continues to provide regular briefings to Members on changes to the Allocation Policy. An “All Member Seminar” regarding the Allocation Policy was held at the Bailey Suite in January 2010.

**Recommendation 6:** *That further reports are presented to the Scrutiny Panel on options for social housing (including the future options for Council Housing)*

**Reported as complete for the purpose of the CBL scrutiny review:** The options appraisal process for council housing management is currently being scoped out and once it is clear what options are under consideration, appropriate reporting processes will be determined. Progress reports relating to 2010 Rotherham Ltd’s performance on managing empty homes will be provided to Scrutiny Panel as required.

**Recommendation 7:** *That action taken towards the recommendations of 2010 Rotherham Ltd’s empty homes service review ‘every day counts’ (April 2009) be monitored and reported back to the Sustainable Communities Scrutiny Panel in due course.*

**Reported as complete for the purpose of the CBL scrutiny review:** A report was presented to Scrutiny Panel on progress with the recommendations from the Scrutiny review of void turnaround times, on 3<sup>rd</sup> June 2010. Recommendation 7 was to complete the ‘every day counts’ action plan and report back on progress. The only remaining action is to review the process of backdating tenancy commencement dates – this is now underway and progress will be reported back to Sustainable Communities Scrutiny Panel later in the year.

**Recommendation 8:** *That a system for the introduction of ‘real-time’ feedback be introduced as a matter of urgency. This feedback should include property specific information, relating to which need group it will be offered to and an indication of the length of time on the housing register needed to be able to qualify for the shortlist.*

**Reported as 'on target':** Abrisas an ICT Software solution has now been procured and is being reconfigured inline with Rotherham's Allocation Policy. The expected completion date is December 2010. The software package will allow customers to bid for properties that they are eligible for and provide real-time lettings feedback, giving the customer a queue position.

**Recommendation 9:** *That robust measures are put in place to ensure that the Housing Register is up to date, accurate and effective database of customers. To support this, that a random check of cases takes place throughout the year to ensure that the database is continuing to be effective.*

**Reported as continuous:** On 14<sup>th</sup> December 2010 Cabinet Member for Housing and Neighbourhoods considered a report "**Rotherham's Housing Register**" which outlined the current position regarding the Housing Register in Rotherham and included information regarding best practice. Progress made includes:

- A bi monthly training programme for staff within 2010 Rotherham Ltd and the Council has been implemented to raise understanding of inputting and updating of housing applications
- The Abrisas system includes the housing register module which will manage the housing register; each application will be reviewed annually.
- Weekly reports have been developed to inform of real- time numbers on housing register, bidders and non bidders.
- Weekly reporting tools have been developed that highlights "inputting errors." The officer who has made the error is contacted to discuss, if there is a training issue appropriate support/training is implemented.
- Random checks of applications are undertaken by the Housing options Coordinator. The checks monitor input error, mandatory information such as full name, date of birth, address and ethnicity and additional information recorded on the "notes screen."

**Recommendation 10:** *That the current appeals procedure against removal and/or re-assessment of registration date, be reviewed to ensure that they are adequately meeting the needs of customers, and that this system is clearly outlined to applicants.*

**Reported as complete:** Progress made; Information regarding the Housing Register Review process is now included in the Allocation Policy Summary Booklet .

**Recommendation 11.** *That a review of the effectiveness of the Key Choices Property management is undertaken.*

**Reported as complete:** A review of this service was finalised in February 2010. This was undertaken by the Home Services Manager in conjunction with the Private Sector Manager and the Finance department. A five year business plan

has been revised and maps out the strategic direction for The Key Choices Property Management team (KCPM) – formerly known as the Rotherham Quality Landlord (RQL) for the period April 2009 to March 2014.

**Recommendation 12:** *That full equality monitoring of successful and unsuccessful bidders is undertaken (not just on the basis of ethnicity) to inform service improvement and that the Equality Impact Assessment is updated on the basis of this information.*

**Reported as complete:** An Equalities Impact Assessment (EIA) has been completed. The strengths are that there are consolidated accountable teams ensuring a consistent service for all customers, adverts give clear information relating to the property, rent details and local area, there are clear service standards which have been reviewed and updated with stakeholders. Customers completed the equalities monitoring questions on the Fair and Flexible questionnaire, 88.9% answered this question, 70% were female, 64% were between the ages of 18 to 54, 14% had a long term disability, 14% were Carers, 92% were White British and 3.4% declared they were lesbian or gay, and 0.9% declared they were bi-sexual.

**Recommendation 13.** *Explore whether an alternative title to “Direct Homes” can be developed which is more ‘user friendly’, descriptive of its purpose and is easily understood by the public.*

**Reported as no further action required.** During November 2009 a consultation exercise focussed on Direct Homes. This captured customers understanding of Direct Homes, customers told us that they understood what a “Direct Home” was and no alternative name changes were made. The recent changes to the allocation of low demand bungalows have substantially reduced the numbers of direct homes and have practically eradicated them.

**Recommendation 14.** *That work is undertaken to improve the information given to existing and potential applicants to ensure that there are clear, simple instructions about how and where to bid (so customers bid on properties that they are interested in); and the rationale for prioritisation of bids*

**Reported as complete:** Progress made:

- Reality Checks regarding the information given to existing and potential applicants are undertaken by the Service Quality Team through Customer to Customer questionnaires at Key Choices Property Shop on a monthly basis
- A Summary guide which details a step by step guide has been reviewed and republished. This is displayed at the Key Choices Property Shop and Neighbourhood Offices and is included with the acknowledgement letter sent to new applicants.

- Develop an occupancy level guide. This is posted out to the customer with a housing application acknowledgement letter and is also included in the training schedule.
- Details of what type of accommodation is in each locality of Rotherham is available on and this is also displayed in a range of outlets.
- An explanation to customers of what properties they are entitled to is a design feature of Abritas which is expected to be in operation March 2011. This will help customers avoid wasted bids and increase the understanding what type of properties they are eligible to bid for. i.e The system wont allow single people to bid for houses as they are not eligible for this type of family accommodation.
- Key Choices are working closely with Children and Young People Services in the development of a Joint Protocol for 17/17 year olds who need accommodation and support. A project group has been established to work closely with the Early Intervention team to develop information about leaving home which will targeted at 16/17 year old. As part of the consultation process other agencies who work with young people such as Rush house, Action Housing and Action for Children will be involved. The joint protocol will be completed by December 2010.

***Recommendation 15:*** *That the website is redesigned using best practice from other authorities. As part of this redesign, the feasibility of 'virtual tours' and links with other public services should be explored.*

**Reported as complete:** Other Local Authority website have been researched. We have utilised best practice from a variety of sources and the Key Choices website now includes; still photo shots have been taken of areas of the Borough, the website has links to information for the local areas on the individual property adverts; information is retrieved through "Up my Street, Council Tax Band, there are links to Planning with details of planning applications in the local area. Virtual tours are a design feature of Abritas, however the feasibility of virtual tours may not be practicable as the advertisements are produced whilst the previous tenant is still in occupation.

Other actions include:

- Additional customer self service telephone lines have been installed in the Property Shop
- Due to the increase in volume of customers accessing the Property Shop, the layout of the shop floor has been reorganised. Comments from customers and staff have been positive, citing that improvements with the layout have made the shop more customer friendly by improving customer flow.

## Key Choices Property Shop



***Recommendation 16:*** That systems are put in place to ‘quality assure’ the information published via the web and other avenues to ensure consistency.

**Reported as completed:** Quality checking systems are in place to ensure all property adverts are quality checked and signed off by the Housing Options Manager before publishing. Fortnightly meetings with 2010 Empty Homes Manager and Housing Options Manager have been implemented. Quarterly programme of reality checks are implemented and conducted by the Customer Inspectors the results are published in a Customer Excellence report.

***Recommendation 17*** Customer feedback forms should be located in a more prominent position on all web-pages, including those hosted on the 2010 Rotherham Ltd website.

**Reported as completed:** The feedback form has been moved to a more prominent position on the Key Choices Website

***Recommendation 18*** That consideration be given to giving fuller descriptions of properties, including indication of garden sizes.

**Reported as completed:** The property adverts have been reviewed and now includes the following information; room sizes, type of adaptations, property type and number of bedrooms, if the property is furnished or not, if pets are allowed or not, local lettings policies, utility suppliers, eligibility rules i.e. families and couples are eligible for houses. The garden description includes open or enclosed – to front and rear. Further information regarding the size of the garden is to be requested from the Empty Homes team within 2010 Rotherham Ltd at the next liaison meeting. Still photographs are also displayed.

***Recommendation 19:*** That the weekly results sheet also reports the status of previously advertised properties that are awaiting allocation.

**Reported as complete:** The weekly results sheet has been expanded to capture all voids where the property has been advertised. The results are published on the internet, in the Key Choices Property Shop and in Local neighbourhood Offices.

**Recommendation 20:** *That proposals are put forward to improve communications and working processes between Key Choices Team and 2010 Rotherham Ltd. This should include measures to ensure that bids received at outlying offices and by telephone are recorded and communicated.*

**Reported as complete:** Fortnightly liaison meetings have been established with the Housing Options Manager and Coordinator and 2010 Rotherham Ltd Empty Homes Manager and Voids Controller. Customers will be able to view the status of their previous bids on the new ICT CBL system. Mystery Shopping exercises and a Quarterly programme of reality checks have been implemented and conducted by the Customer Inspectors. The mystery shopping exercises have awarded the Property Shop have awarded “Gold Status”. The full details of the inspection results are published quarterly as part of a “Customer Excellence report for Independent Living.

**Recommendation 21:** *That information given out at Neighbourhood Offices is comprehensive and consistent. To support this, training should be undertaken with relevant officers in central and Neighbourhood Offices to ensure that they are aware of current developments and processes; this should be updated on a regular basis to address any issues of staff turnover.*

**Reported as complete:** Considerable resources have been committed to train staff on all lettings issues. A bi monthly timetable of free training is offered by Key Choices team to all RMBC and 2010 Rotherham Ltd staff that provides advice to customers regarding rehousing. The training includes the Allocation Policy, Choice based letting processes and ICT training of how to register and update a housing application. The take up of the training has been high.

Other actions include:

- Further work has also taken place to streamline systems and procedures with 2010 staff.
- A reporting tool has been developed which highlights errors that individual staff have made when inputting a housing application. The staff member who has made the error is contacted by the Key Choices team and actions taken – i.e. if there is a training need, the team will organize work shadowing or attendance to the training sessions.
- All new 2010 Rotherham Ltd staff whose role is offering customers advice regarding rehousing now attends a full day in the Property Shop as part of their induction.

- Implement monthly mystery shopping activities at Neighbourhood Offices conducted by the Customer Inspection Service team. The results are published in the Customer Excellence report.
- The Service Quality team are undertaking customer journey mapping through Home Truths Diaries.

**Recommendation 22.** *Ensure relevant and appropriate information about local lettings policies and the housing history of prospective tenants are communicated to RSLs/private landlords.*

**Reported as complete:** All Local lettings Policies are reviewed every 6 months and these are published on the internet. Currently the RSLs undertake their own interviews with customers following receipt of the shortlist. A common housing application has been developed in conjunction with Housing Associations. The new housing application will be launched in conjunction with Abris in March 2011. The application form includes a joint information sharing protocol which will comply with data protection legislation and will enable each RSL's to view the housing history of prospective tenants.

**Recommendation 23:** *That the process for advertising properties via local media is examined to ensure it is the best use of staff resources and provides value for money.*

**Reported as complete:** To ensure we get better value for money, processes have been established to ensure that the properties are advertised within the weekly cycle giving careful consideration to ensure the property is advertised in the termination period ensuring that there is no impact on void relet times.

We are constantly reviewing the advertising costs. The cost for the Key Choices Property page is £500 for each page per week (distributed to 29,000 households) as opposed to £1000 per week for the mailing list, (distributed to 1,000 households) and £1600 (which includes potential discount of 20%) for Rotherham News.

An analysis of how many customers purchase the advertiser to specifically view Key Choices Property page has been undertaken.

Profile and volume of customers:

- Older People tend to prefer to use the Advertiser to view adverts
- 1006 customers were asked through an online and face to face survey where they currently look to find accommodation in Rotherham, 27% (279 people) told us that they only used the Advertiser, 46% (464 people) used the Property Shop, 10% (110 people) used their Local Neighbourhood Office, 52% (526 people) the Key Choices website and (9& (91 people) didn't respond.



What we can do to get better value for money is:

- Review the frequency of advertising in the Rotherham Advertiser and utilise any savings to pay for a resettlement activity to assist customers offering advice on a range of housing options, including private rented, housing association and home ownership. This work will continue to be explored by the Key Choices Manager.

***Recommendation 24:*** Review the information sent to all Councillors so that they are well placed to answer any housing queries from their constituents. Drawing on good practice from several wards, Members should be encouraged to work closely with Housing Champions to organise 'housing surgeries' to address specific issues about the application process.

**Reported as complete:** The information has been reviewed and currently 2010 Rotherham Ltd provide information on empty properties at a local level to Elected Members and Key Choices. This has been implemented by linking with Neighbourhood Champions weekly estate management updates. Letting results are published on Key Choices web page and emailed direct to Elected Members.

***Recommendation 25:*** That regular Member briefing/ information sessions on housing related matters are held, particularly following any significant changes to policy.

**Reported as continuous:**

- Briefing session for Sustainable Scrutiny Panel regarding the impact of the Allocation Policy and proposals for change was undertaken on 10<sup>th</sup> December 2009 and an All Member Seminar on 12<sup>th</sup> January 2010.
- On 31st July 2009, Communities and Local Government issued a consultation paper regarding the Allocation of Social housing. The consultation paper was called "Fair and flexible - To ensure that we involved local residents in this debate we implemented a survey which captured the views of local communities. Over one thousand customers completed and returned a survey/ questionnaire; the results have been clearly analysis, and are reflected in proposed changes to the Allocation Policy and Local Lettings Policies. The Allocation Policy has now been amended inline with the demands and aspirations of local people, whilst also giving priority to those in the greatest housing need. The changes that have been adopted are; the introduction of a rural priority lettings policy; we have set aside a proportion of vacancies for applicants in employment; we have increased the quota of properties advertised to the General Band from 10% to 20%. An Elected Member Briefing has been distributed regarding the results of Fair and Flexible consultation.

- Continue with Community Surgeries which are lead by 2010 Rotherham Ltd in Neighbourhood Offices.



Neighbourhoods be advised of the following nominations to outside bodies:-

Councillors McNeeley P. A. Russell	Decent Homes Partnering Board
Councillor Walker	Rotherham Rent Bond Guarantee Scheme
Councillor Ellis	RUSH House Management Committee
Councillor Atkin and Mr. J. Carr	Environmental Protection UK Yorkshire and Humberside Division
Councillor Ellis and Mr. J. Carr	Yorkshire and Humberside Pollution Advisory Council
Councillor Havenhand	Women's Refuge

#### 17. REPRESENTATION ON WORKING PARTIES/ PANELS

Resolved:- That the following nominations be made to the bodies set out below for the 2010/ 11 Municipal Year:-

Councillor P. A. Russell                      Health, Welfare and Safety Panel  
Substitute – Councillor Nightingale

Councillor Atkin                                      Recycling Group

Councillors McNeely and                      Members Sustainable Development  
Action    Group  
Walker

Councillor McNeely                                      Churches Together

#### 18. WORK PROGRAMME 2010/ 11

The Scrutiny Adviser submitted an Outline Work Programme for 2010/ 11 which set out issues identified for future consideration by this Scrutiny Panel during the forthcoming Municipal Year.

It was not possible to be too specific at the present time on the precise nature of some issues for scrutiny and, therefore, the forward work programme would, to some extent, evolve during the course of the year. As the public sector in general and local government in particular were required to make very large savings in the next 3-5 years, the Panel may wish to scrutinise closely any proposals coming from Service Areas in the next few months.

Panel Members and officers had been contacted for their views on issues to be discussed over the Municipal Year. An outline programme had been formulated reflecting those comments and incorporating issues previously requested at Panel meetings.

Issues identified for future scrutiny agendas included:-

- Role of Private Sector Housing in Rotherham
- Housing Market Renewal – moving on
- Sheltered Housing Warden and Care Enabler Service
- Developing work with Rother Fed
- Future of Rotherham 2010 Ltd.
- Adaptations and Improvements
- Neighbourhood Services and Democracy

The following were also suggested:-

- Role of the Pollution Council
- Council New Build
- 1 Town 1 Community

Discussion ensued on the report including reference to:-

- Housing Allocations Policy
- Bereavement Service
- Repairs and Maintenance Service
- Waste Recycling Plant

Resolved:- That the Scrutiny Adviser be requested to subject the possible Scrutiny Reviews to the Scrutiny checklist for suitability.

## 19. REVIEW OF STRAY DOG ARRANGEMENTS

In accordance with Minute No. 9 of 3<sup>rd</sup> June, 2010, the Director of Housing and Neighbourhood Services submitted a review of the Stray Dog arrangements within Housing and Neighbourhood Services together with four options for the future based on projected costs of service provision as well as a benchmark of services within the sub-region.

The projected year end figures for the number of dogs seized by the Council in 2009/ 10 fell by 11% as well as a decrease in complaints by 13.5%. There had been an increase of 5% in the projected numbers of dogs received out of hours up to 10.00 p.m. and taken to the contracted kennels.

It was reported that in comparison with neighbouring authorities, Rotherham provided the most comprehensive stray dog out of hours service in South Yorkshire. Doncaster provided a reception facility at its contracted kennels, Barnsley did not provide any service and Sheffield owned and operated its own stray and re-homing kennels as a business which operated outside office hours due to very large demand.

In 2008/ 09 there was an increase to the Stray Dog budget of £10,000 per year to cover the changes in Legislation. This funded 7 additional spaces at the main contracted kennels and an out of hours transit kennel arrangement. However, due to the Council's approach to all dogs "seized" being received out of hours, there had been an increase in customer demand on the owner of the animal sanctuary where the transit kennel facility was sited.

Re-negotiation had taken place with regard to the arrangements for on-site customer service and which had resulted in the introduction of part year service fees for 2009/ 10 and increased annual leasing cost.

Due to increasing costs which were not sustainable in the budget as well as decreasing demand for the service, 4 assessed options were set out in the report:-

- |          |   |
|----------|---|
| Option 1 | Continue with current provision in 2010/ 11   |
| Option 2 | Removal of all out of hours stray dog services  |
| Option 3 | Adjust the service to provide a reception facility at the Council's contracted kennels. It was pointed out that this option was affordable and reflected the current demands for the service. |
| Option 4 | Stray Dog Collection Service out of hours by a private kennelling company   |

Details of the financial issues and projections for the four options, together with the risks and uncertainties, were set out in the submitted report.

It was noted that the situation was to be monitored and a further report to be submitted to the Cabinet Member in 12 months time.

Resolved: - (1) That the report be noted.

(2) That the follow-up report also be submitted to this Scrutiny Panel.

## 20. NEIGHBOURHOODS GENERAL FUND REVENUE OUTTURN 2009/ 10

In accordance with Minute No. 9 of the meeting held on 3<sup>rd</sup> June, 2010, the Director of Housing and Neighbourhood Services presented the 2009/ 10 Neighbourhoods General Fund Revenue Account.

The final 2009/ 10 outturn position was a net overspend of £482,000 (+11.6%), an improvement on the previous forecasted outturn position (£610,000).

Detailed analysis of the overspend was set out in Appendix 1 of the report submitted. The most significant area of overspend was in the Independent Support Service (Wardens) or Older People's Housing Services which had been reported as a pressure throughout the year. The costs in 2009/ 10 had been partially offset through management actions and savings across wider Neighbourhood Services.

The key details were:-

Independent Support Service (Wardens)	£592,000 overspend
Safer Neighbourhoods	£50,000 overspend
Business Regulation	£105,000 underspend
Neighbourhood Partnerships	£18,000 underspend
Housing Access	£19,000 underspend
Housing Choices	£18,000 underspend

There had been £35,000 spend on agency staff but no spend on consultancy within Neighbourhoods.

Discussion ensued on the report with particular reference to:-

- Independent Support Service (Wardens)
- Moratorium on supplies
- Agency staff

Resolved:- That the report be noted.

(2) That the Performance and Scrutiny Overview Committee be asked to request a report on the numbers of agency staff employed for over 6 months across the Council with this Scrutiny Panel being informed of the outcome.

## **21. HOUSING INVESTMENT PROGRAMME (HIP) 2009/ 10 AND OTHER CAPITAL SCHEMES**

In accordance with Minute No. 9 of 3<sup>rd</sup> June, 2010, the Director of Housing and Neighbourhood Services presented the final outturn position for the 2009/ 10 Housing Investment Programme (HIP).

The Programme's outturn position was £77,860M, an underspend of £910,000 (1.15%). Within the overall underspend it was noted that schemes managed by 2010 Rotherham Ltd. (£62,283M) had underspent by £1.090M and £15,532M on schemes managed by the Council.

The report set out a scheme by scheme analysis of spend against the approved Programme with explanations for any significant variances.

Discussion ensued on the report with the following issues highlighted:-

- Decent Homes Environmental Works
- Windows Replacement Programme
- Regional Housing Grant
- Non-Traditional Investment

Resolved:- That the report be noted.

## **22. INTRODUCTORY TENANCY REVIEW PANELS**

Steve Clarke, Legal Officer, and Jenny Swales, Anti-Social Behaviour Officer, attended the meeting in order to give Members an overview of the Introductory Tenancy Review Panels.

Steve gave the following powerpoint presentation:-

Types of Tenancies



- Introductory Tenancies
- Secure Tenancies
- Most RMBC Tenancies are secure
  
- "Secure" because if the tenant complies with the terms of the Tenancy Agreement s/ he can keep the tenancy for as long as s/ he wishes

#### Introductory Tenancies

- Introduced as a tool to tackle anti-social behaviour (but could be used for any breach of tenancy) e.g.
  - o Selling drugs/ drug abuse
  - o Threats/ use of violence
  - o Verbal abuse/ harassment/ racial abuse
  - o Loud music
  - o Arguing/ door slamming
  - o Threats/ damage to others property
  
- Adopted by Rotherham from October, 2003
  
- All new tenants must be Introductory Tenants (unless immediately before the start of the tenancy they were a secure tenant of another local authority or assured tenant of a Housing Association)
  
- 12 months 'trial period'
  
- If no breaches of Tenancy Agreement, tenant automatically became secure tenant after 12 months
  
- No security, no Right to Buy
  
- To end the tenancy, RMBC must serve the tenant with a Notice of Proceedings for Possession (NPP)
  
- Inform the tenant that s/ he has the right to request a review of the decision to seek a Possession Order and the time in which the request must be made i.e. 14 days from date tenant served with the NPP
  
- Inform the tenant that if s/ he needs help or advice about the NPP, s/ he should take it immediately to CAB/ Housing Aid Centre/ Law Centre/ Solicitor
  
- Personal service or post through letter box
  
- Review – if tenant wants an oral hearing s/ he has to request it

within 14 days of receipt of NPP. NB request need not be in writing

- Oral hearing conducted by Elected Members
- Tenant has to be given at least 5 days notice of the date of the review hearing – if less than 5 days notice given, hearing can only proceed with consent of tenant/ representative
  
- Prior to the hearing, tenants will be supplied with the written evidence relied on by RMBC. This may include:-
  - Chronology of events
  - Witness statements from officers (which may include hearsay from unidentified complainants)
  - Witness statements from identified complainants
  
- Members of the Review Panel follow the procedure but can deviate from this in order to ensure a tenant has a fair hearing as long as the following principles are maintained:-
  - Tenant can be heard and hear evidence against them
  - Be accompanied and/ or represented by another person (professionally qualified or not) – a representative has the same rights as the tenant
  - Call persons to give evidence
  - Put questions to any person who gives evidence at the Review Panel (but not witnesses who have not attended but have statements)
  - Make representations in writing
  
- Guidance suggests reviews should be conducted as far as practicable as an 'inquisitorial' hearing rather than as a Court style 'adversarial' hearing
  
- Make tenant/ representative aware at outset as to how Members intend to conduct the review
  
- Vulnerable tenants need special consideration
  
- Officers should have made early contact with support agencies to explore solutions/ additional support rather than immediately evict
  
- Be aware of different cultures/ languages

- Members of the Review Panel must:
  - o Review the evidence before them
  - o Disregard any evidence that is not credible or irrelevant
  - o Check the NPP is valid
  - o Decide on balance of probabilities (i.e. more probable than not) whether tenant has breached terms of Tenancy Agreement
  
- If proper notice of the review hearing is given to the tenant but the tenant does not attend, Members must take into account all the circumstances (including any explanation given for the tenant's absence) and can either:-
  - o Proceed in the tenant's absence or
  - o Give directions re. future conduct of review
  
- If tenant requests a postponement of the hearing, Members can grant or refuse as they see fit – they should provide reasons if they refuse
  
  
  
  
  
  
  
  
  
  
- The hearing can be adjourned at the request of tenant/ representative or if Members wish to adjourn –but the same members must sit at the adjourned hearing or there has to be a complete re-hearing. Can have 1 of the original Members missing but only with the consent of the tenant/ representative
  
- Review must be carried out and tenant supplied with written reasons before date specified in NPP i.e. date after which Possession Proceedings can be begun
  
- A written decision letter must be served on the tenant which clearly sets out:-
  - o What evidence was heard
  - o Which facts were established as agreed
  - o Which facts were in dispute and
  - o The findings of the Review Panel and the reasons for the findings
  
- If the tenant fails to vacate the property, the Council must apply for a Possession Order
  
- Possession Proceedings must be issued in the County Court before the end of the 12 month trial period otherwise the

introductory tenancy will automatically become a secure tenancy

- Court must order possession if we prove:-
  - o The tenant was an IT
  - o The NPP was valid (and review properly carried out if requested)
  - o Court Proceedings were begun after the date stated in the NPP
- Court can only postpone possession for up to 14 days (or up to 6 weeks in cases of "exceptional hardship")
- If the review upheld service of the NPP, the only viable way of challenge is by Judicial Review
- Application High Court
- No reasonable authority could have come to that decision, failure to conduct hearing properly, failure to give proper reasons

#### Extending the Introductory Tenancy

- Extension of 12 months trial period by further 6 months so total of 18 months
- Introduced in June, 2005
- Used for minor breaches e.g.
  - o Occasional noise
  - o Minor damage to home
  - o Upkeep of home/ gardens
- Service notice of extension at least 8 weeks before the end of 12 months trial period
- Notice must give reasons and deal with review procedure
- Tenant must request review within 14 days of service of Notice
- Oral/ written review
- Must give tenant at least 10 clear days notice of date of review and if oral review, time and place
- Tenant must supply any written representations to RMBC at least 2 clear days before the date of the review

- Same rights for tenant as in review of NPP

Discussion ensued on the presentation with the following issues raised/ highlighted:-

- The NPP leaflet was in need of updating
- Not all Notices were served by Anti-Social Behaviour Officers; some were by 2010 Rotherham Ltd.
- Normally when a tenant signed the Tenancy Agreement any difficulties they may have with reading etc. were raised
- Should the application form for housing be revised to take account of the above-mentioned point?
- The tenant's Ward Members would not be included on a Review Panel. Should the tenant have any reasonable objections to the make up of the Panel they would be facilitated
- Wherever possible papers relating to a Review Panel were hand delivered rather than posting through a letter box
- Paperwork presented to Court was different to that submitted to a Review Panel. Once the Panel had made a decision, the Judge had no option but to concur

It was noted that a number of issues had been raised at a previous Review Panel hearing which had been through to the Service Solicitor and 2010 Rotherham Ltd.

Jenny and Steve were thanked for their presentation.

Resolved: (1) That 2010 Rotherham Ltd. be informed of the Panel's views with regard to the need to update the NPP leaflet.

(2) That a report be submitted to the Panel on the outcome of the issues raised at a previous Review Panel.

## **23. CABINET MEMBER FOR HOUSING AND NEIGHBOURHOOD SERVICES**

The Panel noted the decisions made under delegated powers by the Cabinet Member for Housing and Neighbourhoods held on 21<sup>st</sup> June, 2010.

## **24. SUSTAINABLE COMMUNITIES SCRUTINY PANEL**

The minutes of the meeting held on 3rd June, 2009, were agreed.

## **25. PERFORMANCE AND SCRUTINY OVERVIEW COMMITTEE**

The minutes of the Performance and Scrutiny Overview Committee

held on 21<sup>st</sup> June, 2010.