

**IMPROVING PLACES SELECT COMMISSION
11th January, 2017**

Present:- Councillor Mallinder (in the Chair); Councillors Atkin, Buckley, Jepson, Jones, Marles, McNeely, Price, Reeder, Sheppard, Taylor, Julie Turner, Walsh, Whysall and Wyatt, Mrs. L. Shears and Mr. B. Walker.

Apologies for absence were received from Councillors Beck, Cutts and Rushforth.

41. DECLARATIONS OF INTEREST

Councillor McNeely made a personal interest in Minute Nos. 46 and 47 (Council tenant).

42. QUESTIONS FROM MEMBERS OF THE PUBLIC AND THE PRESS

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

43. COMMUNICATIONS

The Chair reported that her Local Government Association Mentor, Head of Scrutiny at Lambeth Council, would like to attend the next meeting and pre-meeting briefing of the Select Commission.

Resolved:- That an invitation be extended to the Head of Scrutiny at Lambeth Council to attend the 22nd February, 2017 meeting of this Select Commission and pre-meeting briefing.

44. MINUTES OF THE PREVIOUS MEETING HELD ON 30TH NOVEMBER, 2016

Resolved:- That the minutes of the previous meeting of the Improving Places Select Commission, held on 30th November, 2016, be approved as a correct record for signature by the Chairman.

Arising from Minute No. Minute No. 37(6) (Housing Allocation Policy Amendments), Councillor McNeely asked how the Directorate would deal with a person who had a tenancy but they had chosen to be homeless?

Arising from Minute No. 37 Resolution (2)(iii) the Scrutiny agreed to the proposed 6 amendments and (iii) referred to new tenants not being allowed to apply to transfer within the first 2 years of their tenancy. There was a loophole for Band 4 in that existing tenants could transfer within 2 years; new tenants and existing tenants should be treated the same.

Sandra Tolley, Housing Options Manager, confirmed that anyone who took on a new tenancy could not go back onto the Housing Register for 2 years as set out in the Transfer Policy. This was intended to tighten up the loophole.

Arising from Minute No. 37(d), it was noted that a report had been approved at the Cabinet/Commissioners' meeting on 9th January, 2017, regarding enhanced Enforcement activity across the Borough and proposing a joint contract with Doncaster Council who already had an external provider undertaking enhanced environmental impact work. The contract was open for the Authority to enter into it for a 12 month period.

Arising from Minute No. 37(h), it was noted that Dignity and its sub-contractors would be held to account by the Authority. Dignity had employed additional contractors to ensure grounds maintenance works were completed in a timely fashion and to a better standard. It would cover all cemeteries and not just Maltby.

Arising from Minute No. 37 (resolution 2), information was requested on the pricing structure for the provision of memorial benches, opening hours of cemeteries and crematorium and the availability of land for a possible extension to the Maltby cemetery.

Resolved:- (1) That a report be submitted in 6 months on the joint enhanced Enforcement contract with Doncaster Council.

(2) That the information requested with regard to the provision of memorial benches, opening hours of cemeteries and crematorium and the availability of land for a possible extension to the Maltby cemetery be submitted to the next meeting.

45. EMERGENCY PLANNING TASK AND FINISH GROUP

Councillor Wyatt, Chair of the Task and Finish Group, provided the following progress and update details:-

- The Group met in December which had been attended by an experienced Forward Liaison Officer and 2 Borough Co-ordinators
- The Emergency Plan was being re-written and consulted upon
- The Group was to meet on 16th January and would be considering procurement and commissioning and how external providers complied/assisted with the emergency plan
- The issue had been raised in the re-writing of the Plan of the need not to lose community resilience

The Select Commission thanked Councillor Wyatt for his update.

46. REGENERATION AND ENVIRONMENT PERFORMANCE UPDATE

Damien Wilson, Strategic Director of Regeneration and Environment, presented a performance report for the Services provided by the Regeneration and Environment Directorate.

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Performance information for the 3rd quarter of the 2016/17 year was currently being collated by the Performance and Quality Unit. The current status of performance for the Service at the end of the 2nd quarter (April-September 2016) was as follows:-

- 4 Indicators were off target (red)
- 22 Indicators were on target (green)
- 2 Indicators were (amber) off target but progress towards achieving the target was satisfactory
- 12 measures were reported annually and information would be available at the end of quarter 4

The Directorate plan was currently under review to meet the 1st April deadline which would also reflect some of the Performance Indicators as well as some new Indicators.

Discussion ensued with the following issues raised/clarified:-

- The blue rating on the performance scorecard referred to no performance information being available or that it was an annual Indicator.
- The missed bin collection rate was well under target and did not include the collection of recyclates. The recyclates collection vehicles had been out of date for some time and were being explored for the green waste collection. There were cost implications but a business case was being prepared.
- Further information would be sought with regard to the percentage of municipal waste landfilled.
- Whilst Rotherham probably had the most stringent taxi licencing policy in the country, it could not impose it on anyone else or stop people from licencing their taxis elsewhere and operating under a sub-contract arrangement with an existing Rotherham taxi operator. The message was to ask for a Rotherham registered taxi so you would know that the driver had been subject to the rigorous policy. If customers continued to ask for a Rotherham taxi hopefully there would be no trade for those that came from outside Rotherham and flouted the rules.
- In terms of enforcement, those drivers that had not complied with the BTEC requirement due to an issue that they could rectify, their licence could be suspended and re-issued once complete. If it involved something that the driver could not rectify e.g. historic behaviour the licence would not be re-issued/granted.

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- There was data for each individual library across the Borough which could be supplied to Members. Consideration was being given to a more central town centre location for the main library.
- Acknowledgement that the town centre had migrated with the move of Tesco from the Forge Island site. Footfall data was analysed on a quarterly basis using the same fixed points and giving consistency in how it was gathered. If the cameras were moved to take account of the new town centre it would be a new baseline and take a period of time to enable comparisons to be made.
- Request for a breakdown of actual anti-social behaviour incidents including figures rather than percentages.
- The Police crime recording measures had completely changed with a lot more recorded than previously.
- Rotherham was the third best performing local authority in the country with regard to planning applications.
- Key sites were already monitored by cameras some of which were battery operated. Currently there were a limited number of cameras but there would be investment if they proved their worth. Flytipping formed part of the broader enforcement activity with a general enforcement target. That was then broken down to look at what was done in Enforcement.
- Further analysis required with regard to the levels of street cleanliness measure.
- There was action (including financial penalties) the Authority could take with regard to utility companies when highways were not reinstated to an acceptable condition after conducting works.
- It was critical to develop alternative income streams if there were non-statutory activities the Authority wanted to maintain in the future. Grounds Maintenance and Street Cleansing staff had been challenged to sell the services of the Authority and spot any opportunities. When a contract was lost it should be challenged as to why.
- The current target for Grounds Maintenance contacts was 719, 286 for Q2 and 73 in Q3. An understanding of the nature of the contacts was required as some may be compliments/requests for service opposed to complaints.
- Recruitment was underway for the post of Street Scene Manager.

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- Work was underway in gathering data on the number of people resident in the town centre.
- There was data available through the Safer Roads hub with regard to people killed or seriously injured in road traffic accidents. The data indicated where the priority areas, however, in the South Yorkshire context, Rotherham was not particularly high by comparison.

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

(2) That the quarter performance be submitted to the Select Commission once it had been considered by Cabinet.

47. NEW STRATEGIC TENANCY POLICY

Wendy Foster (Social Housing Officer), Sarah Watts (Housing Intelligence Officer) and Sandra Tolley (Housing Options Manager) gave the following powerpoint presentation:-

Fixed Term Tenancies

Localism Act 2011	Housing and Planning Act 2016
Landlord's discretion	Compulsory for local authorities
2 years in exceptional circumstances	Discretionary for Housing Associations
5 years the 'norm'	2-5 years unless:- Tenants forced to move Someone with disability or long term illness Families with children under
No upper limit	

Benefits

For landlords	For tenants
Make better use of social housing stock	Greater independence
More flexibility with properties	Support tenants to achieve aspirations
Support housing management	Minimise under-occupancy/fuel poverty
	Receive increased support

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Affects for existing tenants

Existing tenants who move through choice are likely to be issued a fixed term tenancy:	Existing tenants are likely to keep their periodic tenancies if they are:
Mutual exchanges Non-statutory successions Transfers	Fleeing domestic abuse Forced to move through regeneration Full-time carers Severely disabled or have mobility/care needs

Concerns raised throughout the consultation programme

- Residents, Elected Members and Officers all expressed concerns around the blanket issuing of Fixed Term Tenancies (FTT) undermining the long term sustainability of communities

The Council's Approach

- The Council aims to balance the need to support settled, sustainable communities with the need to make best use of its stock and house residents in the greatest housing need by:-
Issuing tenancies for the maximum 'usual' term of 5 years
Ensuring tenants are aware of how their behaviour could impact on the renewal of the tenancy on sign-up
- All tenancies will be reviewed and the Council will seek to offer a further 5 year tenancy in the same property for the vast majority of tenants

Tenancies will not be renewed where

- The Council will allow fixed term tenancies to come to an end where there have been serious breaches of the Tenancy Agreement leading to a Notice Seeking Possession (NSP) being active at the point of review:
NSPs are usually served for rent arrears or anti-social behaviour
Notices are active for a period of 12 months
Currently 1,149 (5.7%) RMBC tenants with an active Notice Seeking Possession

A tenancy for a different property will be issued where:-

- A further 5 year fixed term tenancy for another, more suitable property will be offered where:-
The property is adapted, the adaptations are no longer needed but are likely to be helpful to another family
The household is overcrowded
The household is under-occupying a 4+ bedroomed house

Discussion and Feedback

- Is issuing fixed term tenancies for the highest (normal) 5 year term the right approach for RMBC?
- Is the proposed approach to renewals right?

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- (a) Allowing tenancies to expire where there is an active Notice Seeking Possession
- (b) Offering alternative properties where tenants are significantly under-occupying, are over-crowded or no longer need an adapted property
- (c) Issuing a further 5 year tenancy if (a) and (b) do not apply

Fixed Term Tenancies in Rotherham

- RMBC opted to introduce fixed term tenancies in 2013 to tackle under-occupancy and fuel poverty and make better use of its larger (4+ bedroomed) homes

	2013	2015
Number of properties with just 1 occupancy (262 properties)	117	82
% of 4+ homes under-occupied	45%	38%
Number of/% of fixed term tenancies issued		34 10%

Discussion ensued with the following issues raised/clarified:-

- The Housing Bill had received Royal Assent in May 2016.
- Issuing FTT was not the right approach but the Local Authority had no choice.
- Is issuing fixed term tenancies for the highest (normal) 5 year term the right approach for RMBC?
 - The maximum FTT should be for 5 years - any less and tenants would feel it was not worth decorating, create a community etc.
 - It was not thought that automatic renewal would be allowed.
 - Tenants feeling it was not worth investing in their property would have a knock-on cost to the Authority
- Is the proposed approach to renewals right
 - If a tenant had an active Notice Seeking Possession (NSP) they had contravened their Tenancy Agreement. However, if a tenant received a NSP mid-way through their tenancy but there was nothing further for a year it would be removed; if it was received in the last 6 months of the 5 years tenancy they would be penalised.
 - It would increase the number of people in private tenancies.
 - NSPs should continue to be used as it gave an opportunity to manage the behaviour of tenants in a less resource intensive way.
 - It was hoped that a full explanation on sign up of the implications of non-compliance with the Tenancy Agreement would help with sustainability
 - Consideration was required as to what point a NSP broke a 5 year tenancy and clear criteria for officers.

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- Tenants should not be moved from their property due to under occupancy, particularly elderly tenants. Work should take place on persuading them to move into more suitable accommodation.
- The Authority did not tend to use Demoted tenancies. An application had to be made to Court and it was almost a first step to seeking possession but giving the tenant a chance to pull the tenancy back.
- A detailed Tenancy Policy would be written once the Regulations were published. Current tenants would not receive a copy of the Tenancy Policy as existing tenants would not be affected by the changes unless they applied for a mutual exchange/transfer. There would be 1 Tenancy Agreement even though it would not apply in full to all tenants.
- Currently it could only be assumed that the appeal process would be the same as it was for flexible tenancies for 4+ bedroom properties i.e. tenants could appeal when they were first offered a tenancy, the term of tenancy but not the kind of tenancy and if it did not accord with Policy. They could appeal when the review was carried out and had the outcome thereof. It was envisaged that the Area Housing Officers would visit look at the tenancy and make a decision; it would then be passed to their Senior Officer. If there was an appeal it would be considered by Housing and Estates Manager or equivalent who had the knowledge but not directly involved in making the decision. Customers had been given the information upfront and knew how long their tenancy was for. There had been no appeals as yet as the tenancies were not due to end until 2027.
- Under the Localism Act the Authority had tightened up on statutory successions and within the Policy there was the discretion to manage successions. However, it was not known whether there would be that discretion within the new Regulations. The new Tenancy Agreement had also included successions and additional family members to succeed but had been put on hold pending the Regulations.
- It was important that the Council tried to get the balance with regard to under occupancy and was difficult for both the tenant and for the Department to approach the subject. Through fixed term tenancies it opened up communication between the Department and tenants so it could be addressed sensitively.
- The mandatory FTT was for new tenants and not existing tenants. Downsizing was being addressed with existing tenants in a sensitive manner. FTT tenants would be made aware from the start that the tenancy was issued for a fixed period and work with them through the reviews and verification period to identify at what point in their lives they would need more suitable housing. At the end of the 5 year period a review would take place and, if the property was still deemed as suitable and there had been no tenancy issues, they would stay. If

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a property was no longer suitable there was the Choice Based Letting process and they would be helped to find a property through the Allocations Policy. The proposals included anyone who had mobility needs who would retain a life time tenancy upon moving in.

- The Government had mooted that families with children under the age of 9 would get a tenancy for up to 10 years so that the child(ren) could stay in secondary education. They had also mooted carers and pensioners may be given life time tenancies.
- Proposal that it be mandatory for all new tenants to attend a tenancy workshop and have a housing options interview before they joined the housing register to emphasise the expectations around a FTT.
- There was to be a Financial Inclusion Team and Tenancy Support team with the emphasis on supporting tenants rather than the enforcement role.
- It was important to balance the time cost implications as well as reviewing a tenancy. A number of new tenancies were issued that required a review before the 5 year period ended which was resource intensive. 2 years was a short period tenancy and would translate into higher number of voids and associated costs of re-letting properties. The Service would not wait until the end of the 5 years to take action against anyone undertaking anti-social behaviour or not paying rent.
- Letting and sub-letting were addressed through the tenancy verification process.
- A new tenant would be issued with an Introductory Tenancy, usually for 12 months, and then a 4 years MFTT – a total tenancy term of 5 years so giving parity with existing tenants.
- Clear links with Key Choices and the Choice Based Lettings Policy would be ensured so that tenants did not feel they were being forced into particular areas. It was hoped that implementation of the Policies would make better use of the existing stock.
- There was a likelihood that the introduction of MFTT might lead to an increase in the number of Right to Buys given that the qualification period had reduced from 5 years to 3.

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

(2) That once issued, the Regulations and the Tenancy Policy be submitted to the Select Commission.

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48. COUNCIL HOUSING TENANTS - SCRUTINY UPDATE

Co-opted member Mrs. L. Shears reported that there was no update to be reported.

49. DATE AND TIME OF THE NEXT MEETING

Resolved:- That a further meeting be held on Wednesday, 22nd February, 2017 at commencing at 2.30 p.m.