

**EPPING FOREST DISTRICT COUNCIL
NOTES OF A MEETING OF HOUSING SCRUTINY STANDING PANEL
HELD ON TUESDAY, 13 MARCH 2012
IN COMMITTEE ROOM 1, CIVIC OFFICES, HIGH STREET, EPPING
AT 5.30 - 8.08 PM**

Members Present: S Murray (Chairman), A Mitchell MBE (Vice-Chairman), Ms R Brookes, K Chana, Mrs A Grigg, Ms J Hart, Mrs S Jones, D Stallan and Mrs J H Whitehouse

Other members present: Mrs M McEwen

Apologies for Absence:

Officers Present A Hall (Director of Housing), P Pledger (Assistant Director (Property and Resources)), R Wilson (Assistant Director (Operations)) and M Jenkins (Democratic Services Assistant)

57. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

There were no substitute members present.

58. DECLARATION OF INTERESTS

(1) Pursuant to the Council's Code of Member Conduct Councillors S Murray, Mrs A Grigg and Mrs J Whitehouse declared a personal interest in the following item of the agenda by virtue of being related to armed forces personnel. The Councillors maintained that their interests were not prejudicial and that they would remain in the meeting for the duration of the meeting and voting thereon:

- Item 5 Council Response to CLG Consultation Paper on Revised Allocations Code of Guidance

(2) Pursuant to the Council's Code of Member Conduct, Councillor Mrs M McEwen declared a personal interest in the following item of the agenda by virtue of being a member of the Women's Royal Air Force Association. The Councillor maintained that her interest was not prejudicial and that she would remain in the meeting for the duration of the meeting and voting thereon:

- Item 5 Council Response to CLG Consultation Paper on Revised Allocations Code of Guidance.

59. TERMS OF REFERENCE / WORK PROGRAMME

(a) Terms of Reference

The Panel's Terms of Reference were noted.

(b) Work Programme

The following was noted:

(i) Item 27 Provision of Smoke Detectors in Communal Blocks or Council Properties

A report had been submitted to the Cabinet on 12 March 2012 at which they had generally agreed with the Portfolio Holder's recommendations, adding that carpets in common parts of flat blocks should not be allowed and after a four month period from the date of the decision made, the removal of carpets where residents had previously loose laid or fitted them, and had not removed them voluntarily be enforced by the Council unless certain conditions were not within the four month period as advised by the Chief Fire Officer of the Essex County Fire and Rescue Service. Officers would confirm these instructions to tenants in writing.

(ii) Item 29 Presentation and Review of the Success of the Council's Social Housing Fraud Pilot Scheme and Consideration of Recommendations to the Cabinet

The Cabinet, at its meeting on 12 March, agreed to make both permanent and full time the post of Housing Officer (Social Housing Fraud).

Although separate from the Panel's Terms of Reference and Work Programme it was noted that at the last Panel meeting, the Chairman had sent his apologies because of a 24 hour OFSTED Inspection at his school.

60. COUNCIL RESPONSE TO CLG CONSULTATION PAPER ON REVISED ALLOCATIONS CODE OF GUIDANCE

The Panel received a report from the Assistant Director of Housing regarding a suggested Council response to the CLG Consultation Paper on a revised Allocations Code of Guidance.

In January 2012, the Department for Communities and Local Government issued a consultation paper on "Allocation of accommodation: guidance for local housing authorities in England. The closing date for responses was 30 March 2012.

Chapter One

(1) Does your allocations scheme/transfer policy already provide for social tenants who are under-occupying to be given priority?

Response: Yes. Tenants who wished to "downsize" were given both Band One priority and also received a financial incentive.

(2) Do you intend to revise your allocation scheme in order to make it easier for under-occupying social tenants to downsize to more appropriately sized accommodation?

Response: Members would give the matter consideration later in the year, once the final guidance had been issued.

(3) If so, what changes to your allocations scheme will you be considering to make it easier for under-occupying tenants to downsize?

Response: The Government could consider removing any penalties for refusals of tenancy offers for those downsizing and also reducing the age restriction for occupying bungalows for those downsizing.

Other comments: Paragraph 1.7 of the consultation stated that transfer applicants with “reasonable preference” were to be treated on the same basis as new applicants, whereas authorities could set their own transfer policies for these applicants who did not have reasonable preference. Therefore, this meant that any priority could be given to transfer applicants who were not entitled to reasonable preference. There should be provisions for preventing any authority from prioritising in this way.

Chapter Two

Other comments: The Council welcomed paragraph 2.5 for the opportunity of having its own eligibility criteria for its waiting list and the proposal that an applicant could be treated as ineligible if they were guilty of serious unacceptable behaviour.

With regards to paragraph 2.6 of the consultation, the Council consider it very unfortunate that the existing legislation allowed for a right to a review on eligibility as this would be difficult to administer.

Chapter Three

(4) Do you agree that members of the Armed Forces and former Service personnel should not be disqualified on residency grounds? Is 5 years from the date of discharge an appropriate time limit for this restriction? If not, what would be a more appropriate period?

Response: The Council supported the proposal that members of the armed forces and former service personnel should not be disqualified on residency grounds. However it was believed that an appropriate time limit would be 3 years from the date of discharge because this was considered a more appropriate period within which they could have found settled accommodation. “Members of the armed forces and service personnel should be more clearly defined than was set out under Section 374 of the Armed Forces Act. Did this include clerical workers for example?”

(5) Does the draft guidance provide sufficient clarity on how to implement the new power for housing authorities to set their own allocations qualification criteria? If not, in what areas would more guidance be useful?

Response: It could be made more clearer that if an applicant had “reasonable preference” but did not meet the eligibility criteria for joining the housing register, then they could still be excluded from the list,

Chapter Four

(6) Do you agree that the bedroom standard is an appropriate measure of overcrowding for the purpose of according reasonable preference? If not, what measure do you consider would be more appropriate?

Response: No. Bearing in mind the shortage of accommodation it was considered reasonable for same sex persons to share a bedroom irrespective of their age. Therefore, it was suggested that there should be the following two bullet points included in Paragraph 4.11:

- Married or cohabiting couples; and
- Two persons of the opposite sex over the age of 18 years.

(7) Should this guidance provide advice on how to define “overcrowding” for the purpose of according additional preference? If so, would an appropriate measure be two bedrooms or more short of the bedroom standard?

Response: The Council considered that “overcrowding” should be determined based upon the current requirements of the Housing Act Part X.

(8) How does your allocations scheme currently define “overcrowding” for allocation purposes? Does it, for example, use the bedroom standard, the statutory overcrowding standards in Part X of the Housing Act 1985, or another definition? If the last of these please provide brief details.

Response: “Where the permitted number, in accordance with the provisions of S.326 of the Housing Act 1985 is exceeded.” However, applicants lacking a bedroom were also given some priority.

(9) The Government proposes to regulate to require housing authorities to frame their allocations scheme to provide for former service personnel with urgent housing needs to be given additional preference for social housing. Do you agree with this proposal?

Response: The Council generally supported the proposal. It would be helpful if paragraph 4.19 was clearer. Did this mean that former members of the Armed Forces would be given additional preference above those applicants who were already in reasonable preference categories?

(10) Does your allocations scheme already make use of the flexibilities within the allocation legislation to provide for those who have served in the armed forces to be given greater priority for social housing? If so, how does your scheme provide for this?

Response: No

(11) If not how do you intend to take advantage of the flexibilities in the allocation legislation to provide for former members of the armed forces to be given greater priority for social housing? If so what changes might you be considering?

Response: The Council did intend to provide greater priority for members of the Armed Forces for social housing. Members would be considering the matter on receipt of the final guidance. The Council welcomed the proposal to disregard any lump sums received by a member of the Armed Forces as compensation for injury or disability sustained on active service.

(12) Does your allocations scheme already provide for some priority to be given to people who are in work, seeking work, or otherwise contributing to the community? If so, how does your scheme provide for this?

Response: The District Council’s scheme gave some priority to applicants who were needing to move to be nearer to their place of work, or to take up a permanent offer of employment, or a long term training opportunity which may lead to employment.

(13) If not, do you intend to revise your allocations scheme to provide for more priority to be given to people who are in work, seeking work, or otherwise contributing to the community? If so, how does your scheme provide for this?

Response: Members would be considering whether or not they wished to give further priority to people who were in work, on receipt of the final guidance. It may be difficult to define what “contributing to the community” means.

(14) Are there other ways in which housing authorities can frame their allocation scheme to meet the needs of prospective adopters and foster carers?

Response: The Council considered that there was a marked difference between an adopter and a foster carer as adoption was a more long-term permanent arrangement. If the Council decided to use Flexible Tenancies in the future, these could be granted to adopters and foster carers for an appropriate fixed-term and be reviewed at the end of the period under the assessment criteria. The guidance may want to include this approach as a possible way of dealing with prospective adopters and foster carers. It was suggested that Children’s Services should notify the Council when an appropriate point had been reached in the adopting/fostering process where any person was likely to be accepted.

(15) Does the draft guidance provide sufficient clarity on the extent of flexibilities available to housing authorities when framing their allocation schemes?

Response: Yes, subject to the comments made under each consultation question.

Under paragraph 4.38 of the consultation, officers felt that providing an additional bedroom for carers who were not residing at the property could be open to abuse and the potential waste of a bedroom. The Council would currently only consider granting an additional bedroom if a carer was living at the accommodation as their only, or principle home and could demonstrate that they had given up permanent accommodation to enter into the arrangement.

RESOLVED:

(1) That the CLG Consultation paper “Allocation of Accommodation: Guidance for Local Authorities in England,” be noted; and

(2) That the proposed Council response to the consultation be agreed.

61. HOUSING REVENUE ACCOUNT BUSINESS PLAN KEY ACTION PLAN 2011/12 - 12 MONTH PROGRESS REPORT

The Panel received a report from the Director of Housing regarding the Housing Revenue Account Business Plan Key Action Plan (2011/12) – 12 Month Progress Report.

In March 2011, the Council’s Housing Revenue Account (HRA) Business Plan for 2011/12 was produced, incorporating the Repairs and Maintenance Business Plan. This document set out the Council’s objectives, strategies and plans as landlord, in relation to the management and maintenance of its own housing stock.

RESOLVED:

That the Housing Revenue Account Business Plan Key Action Plan (2011/12) – 12 Month Progress Report be noted.

62. HRA BUSINESS PLAN AND REPAIRS/MAINTENANCE BUSINESS PLANS 2012/13

The Panel received a report from the Director of Housing regarding the proposed Housing Revenue Account (HRA) Business Plan 2012-13.

The Government's Department of Communities and Local Government (DCLG) required all local authorities to produce annual Business Plans for their Housing Revenue Accounts (HRAs). The CLG's intention was to ensure that local authority housing was used and maintained to maximum effect. HRA Business Plans dealt with council's plans and performance for the delivery and quality of its housing services to tenants. Detailed guidance was issued by the former ODPM (the predecessor to the CLG) which prescribed the form in which business plans must be produced, and included the requirement for clear repair and maintenance strategies to be set out and, ideally, for detailed financial forecasts to be produced for thirty years hence.

It was suggested that an item be added to the Panel's Work Programme for next year for a presentation on the progress made by Mears, the Council's External Repairs Management Contractor. This could possibly be considered at the July 2012 panel meeting.

RECOMMENDED:

(1) That the Housing Revenue Account (HRA) Business Plan 2012/13, incorporating the HRA Financial Plan and the repairs and Maintenance Business Plan 2012/13 be recommended to the Housing Portfolio Holder for adoption; and

(2) That an item be added to next year's Panel Work Programme regarding a presentation on the progress made by the External Repairs Management Contractor.

63. HOUSING DIRECTORATE'S SERVICE STRATEGIES ON EMPTY COUNCIL PROPERTIES, OLDER PEOPLE'S SERVICES & HOUSING AND NEIGHBOURHOOD MANAGEMENT

The Panel received a report from the Assistant Director of Housing regarding the Housing Directorate's Service Strategies on Empty Council Properties, Older People's Services and Housing and Neighbourhood Management.

The Housing Directorate's Service Strategies were originally produced around 15 years ago in accordance with an agreed standard framework, and had since been updated. The strategies provided more detail than the main Housing Strategy on the various housing services provided. In total, 17 Housing Strategies had been produced to date.

RECOMMENDED:

That the Housing Directorate's Service Strategies on Empty Council Properties, Older People Services and Housing and Neighbourhood Management be recommended to the Housing Portfolio Holder.

64. SOLAR PV TO COUNCIL HOUSING

The Panel received a report from the Assistant Director of Housing (Property) regarding Solar PV to Council Housing.

The Panel had previously considered and supported a feasibility report into the installation of solar photovoltaic panels on Council-owned properties throughout the District. However, shortly after that decision was made, the Government announced a significant cut in the amount of grant known as the "Feed-In Tariff" (FIT), which would help off-set the high one-off capital cost of installing Solar PV to generate electricity.

The scale of the change had caused some turmoil in the industry, with many installers either ceasing to trade or writing-off significant investment. Therefore the number of installers available to tender would be far more limited than before which would lead to higher costs.

RESOLVED:

That the proposed further feasibility study into the installation of Solar PV on Council-owned buildings be suspended, following the Government's recent decision to significantly reduce the level of Feed-In Tariff.

65. REPORTS TO BE MADE TO THE NEXT MEETING OF THE OVERVIEW AND SCRUTINY COMMITTEE

The Chairman advised that he would give verbal updates and the next meeting of the Overview and Scrutiny Committee meeting in April on the following:

- (a) Council response to CLG Consultation Paper revised Allocations Code of Guidance; and
- (b) HRA Business and Repairs/Maintenance Business Plans 2012/13.

66. FUTURE MEETINGS

This was the last panel meeting for 2011/12 and Councillor Mrs R Brookes took the opportunity of thanking officers, Panel Members and the Housing Portfolio Holder for their work over the last year. She also extended particular thanks to Councillors D Stallan and Mrs A Grigg for their approach and helpfulness.

It was advised that there would be an extra-ordinary meeting of the Panel scheduled possibly in April to discuss licences for park homes. The programme of meetings for the next year was as follows:

- (a) Tuesday 24 July 2012 at 5.30p.m. in Committee Room 1;
- (b) Tuesday 23 October at 5.30p.m. in Committee Room 1;
- (c) Tuesday 29 January 2013 at 5.30p.m. in Committee Room 1; and
- (d) Tuesday 19 March at 5.30p.m. in Committee Room 1.