

**EPPING FOREST DISTRICT COUNCIL
NOTES OF A MEETING OF HOUSING SCRUTINY STANDING PANEL
HELD ON MONDAY, 17 JUNE 2013
IN COMMITTEE ROOM 1, CIVIC OFFICES, HIGH STREET, EPPING
AT 5.30 - 7.50 PM**

Members Present: S Murray (Chairman), Ms G Shiell (Vice-Chairman), K Avey, Ms J Hart, Mrs S Jones, L Leonard, B Rolfe, Mrs J H Whitehouse and W Marshall (Tenants and Leaseholders Federation)

Other members present: D Stallan

Apologies for Absence: Mrs R Gadsby and Mrs J Lea

Officers Present A Hall (Director of Housing), R Wilson (Assistant Director (Operations)), R Wallace (Housing Options Manager), R Smith (Area Housing Manager North) and M Jenkins (Democratic Services Assistant)

1. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

There were no substitutions made at the meeting.

2. NOTES OF THE LAST MEETING

RESOLVED:

That the notes of the last Panel meeting held on 19 March 2013 be agreed.

3. DECLARATION OF INTERESTS

There were no declarations of interest made at the meeting.

4. TERMS OF REFERENCE / WORK PROGRAMME

(a) Terms of Reference

The Panel's Terms of Reference were noted. In addition, the Panel was advised that their current Terms of Reference required amending to absorb the responsibilities of the disbanded Housing Repairs Advisory Group, it was requested that they should consider matters relating to the performance of the Council's Repairs Management Contract and to make any recommendations to the Housing Portfolio Holder or Cabinet, as appropriate.

The report would be recommended for endorsement at the Overview and Scrutiny Committee.

RECOMMENDED:

That the Overview and Scrutiny Committee be asked to confirm an amendment to the Housing Scrutiny Standing Panel's Terms of Reference that they absorb the responsibilities of the disbanded Housing Repairs Advisory Group.

(b) Work Programme

The Panel's Work Programme was noted. It was advised that two new items had been added regarding a review of parking enforcement on housing managed grassed areas and a review of the perceived difficulties with improving communal areas of flat blocks with leaseholders, following requests from two members agreed by the Overview and Scrutiny Committee.

5. CONDITIONS OF TENANCY

The Panel received a report from the Assistant Director of Housing (Operations), Housing Options Manager and Area Housing Manager (North) regarding the draft Conditions of Tenancy.

At its meeting on 15 April 2013, the Cabinet adopted the Council's new Tenancy Policy. Under the Localism Act 2011 providers of social housing had the option of using Flexible Tenancies which in most cases must be for a minimum period of 5 years or between 2 and 5 years in exceptional circumstances. Flexible Tenants generally enjoyed the same rights as secure tenants, including the Right to Buy subject to the current qualifying criteria.

On expiry of the fixed term, the tenant would be assessed against an agreed Assessment Criteria to determine whether or not a further tenancy should be granted, either of the same or another Council property. If another tenancy was not offered, there was a requirement to provide the tenant with advice and assistance. It was noted that sheltered housing tenants must be provided with Secure Tenancies in accordance with the Act.

The Cabinet had previously agreed that the Council should introduce a Pilot Scheme for Flexible (fixed term) Tenancies, to be granted to all new tenants who signed up to the tenancy of a property of three bedrooms or more for a fixed term of 9 years. Flexible tenancies would include an additional introductory period of 12 months resulting in a 10 year fixed term.

The Panel had been asked by the Cabinet to review the success of the Pilot Scheme after 12 months of commencement and submit a report to the Cabinet on its review including to consider:

- (a) Whether to discontinue, continue or extend the scheme to include 2 bedroom properties; and
- (b) Whether in future to means test tenants as part of the Assessment Criteria at the end of the Flexible Tenancy period.

The Cabinet had also agreed the new Housing Allocations Scheme at the same meeting and agreed that the new Scheme would be implemented from 1 September 2013. It was therefore necessary for the Council to have a new Flexible Tenancy Agreement in place by 1 September 2013 as well.

Officers had undertaken a detailed review of the tenancy conditions relating to the Council's current Standard Tenancy Agreement. As the new agreement would have a bearing on the work of officers across the Housing Directorate, the opportunity had been taken to use the exercise as a Staff Development Project. As part of their

personal development, two officers involved had been selected to present the proposed changes to the tenancy agreement to the Panel.

In order for generally the same Conditions of Tenancies to be applied to both Flexible Tenants and Secure Tenants in the future, it was proposed that the Council formally varied the Standard Tenancy Agreement for all existing and future Secure Tenants in accordance with the requirements of Section 102 of the Housing Act 1985.

The proposed Conditions of Tenancy had been considered by an external Legal Advisor being a QC in housing law. The Legal Advisor had stated in summary that the Tenancy Agreement was legal and complied with the Unfair Terms in Consumer Contracts Regulations 1999 and the Guidance on Unfair Terms in Tenancy Agreements 2005. The following suggestions were made by the Panel:

(i) Under Paragraph 16.6 of the draft Conditions of tenancy, members proposed a list of suitable trees that would be suitable for planting in tenants' gardens be included in the Tenants Handbook. It was also requested that tenants should be made responsible for the upkeep of any trees in their gardens. It was further proposed that the requirement for tenants to seek consent to plant any tree be removed.

(ii) Under Paragraph 12.5 the Panel disagreed with the view of the Tenants and Leaseholders Federation and agreed that this clause should be left as drafted with tenants needing to obtain the Council's consent before installing laminate flooring or similar.

(iii) Under Paragraph 14.4 the panel asked for disabled parking bays to be included.

(iv) Under Paragraph 16.5 the Panel asked for "...except in certain specific circumstances as determined by the Council" to be added at the end.

(v) Under Paragraph 16.7 it was agreed to amend in accordance with the views of the Tenants and Leaseholders Federation.

(vi) Under Paragraph 16.8 include recycling.

(vii) The Panel proposed that Section 19 should be a series of sub headings making it clearer that were all the Council's obligations.

(viii) Under 24.1, add in first line "the Council" not being liable.

Since two meetings of the Cabinet had been scheduled for July 2013, the Housing Portfolio Holder asked that this report be put before the first Cabinet meeting scheduled for 22 July, which the Panel agreed to.

RECOMMENDED:

(1) That a report be submitted to the 22 July 2013 Cabinet meeting recommending the following:

(a) That the draft Conditions of Tenancy apply to all new Flexible (fixed term) tenancies from 1 September 2013;

(b) That the Council undertakes a consultation exercise with all existing Secure Tenants on a proposal to vary its Standard Tenancy Agreement for all existing and future Secure Tenants, in accordance with the requirements of Section 102 of the Housing Act 1985, with the draft Conditions of Tenancy relating to Flexible (fixed term) Tenancies generally also applying to all existing and future Secure Tenancies;

(c) That the Director of Housing be authorised to serve a Preliminary Notice on all Secure Tenants on the proposed Standard Tenancy Agreement Conditions explaining their effect, stating the Council's intention to serve a Notice of variation and inviting comments within 28 days; and

(d) That, after receiving comments from tenants, a report be submitted to the Cabinet on the responses received to the Preliminary Notice prior to the adoption of the new Standard Tenancy Agreement by the Cabinet and the Notice of variation being served.

6. REVIEW OF HOUSING SERVICE STANDARDS

The Panel received a report from the Director of Housing regarding a review of the Housing Service Standards and Performance 2012/13.

In 2007, following consultation with this Panel and the Tenants and Leaseholders Federation, the Housing Portfolio Holder agreed a range of Housing Service Standards, covering all of the Housing Directorate's main areas of activity, and that the Service Standards should be reviewed annually.

It was also agreed that the Housing Directorate's performance against the Housing Service Standards should be considered annually. All tenants were provided with a leaflet setting out all of the agreed Housing Service Standards, which was included as part of the Tenants Handbook given to new tenants.

The Director of Housing had reviewed the Housing Service Standards, having regard to performance in 2012/13, and changes in legislation and Council policy. As a result, a number of changes were proposed, including new Service Standards. The recommendations were made to the Portfolio Holder for approval.

RECOMMENDED:

(1) That performance against the previously agreed Housing Service Standards in 2012/13 (where measured) be noted;

(2) That, subject to the views of the Tenants and Leaseholders Federation, the proposed changes and additions to the Housing Service Standards be recommended to the Housing Portfolio Holder, and that the relevant leaflets be updated at an appropriate time; and

(3) That the Housing Service Standards, and performance against the Service Standards in 2013/14 be reviewed again in July 2014.

7. WELFARE REFORM MITIGATION ACTION PLAN

The Panel received a report from the Director of Housing regarding Quarterly Progress of the Welfare Reform Mitigation Action Plan.

The Panel was reminded that in view of the significant effect that the Government's welfare reforms would have on the Council and residents, a Welfare Reform Mitigation Project Team was formed in September 2012, chaired by the Director of Housing and comprising officers from across the Housing Directorate and the Benefits Division. The team had considered and implemented ways that the effects of the welfare reforms could be minimised, or at least reduced.

The Project Team formulated a Welfare Reform Mitigation Action Plan, which was adopted by the Cabinet in October 2012. The Action Plan identified around 60 separate actions, with lead officers and target dates provided for each action.

In addition to progress with the Action Plan being monitored at officer level by the Project Team, the Cabinet had also asked the Scrutiny Panel to monitor progress with the delivery of the Action Plan at its quarterly meetings, which began in January 2013.

Progress to Date

The third Quarterly Progress Report had shown good progress in delivering the 59 actions of the Action Plan.

The budget for providing tenants with financial incentives to downsize to smaller accommodation had been doubled for 2013/14, from £22,000 p/a to £44,000 p/a. Officers would be recommending to the Housing Portfolio Holder that the incentive scheme for downsizing should be extended to tenants who downsized through a mutual exchange.

The Epping Forest Re-Use Project had been launched, which had leased a warehouse at Bowers Hill, Epping. The scheme provided used furniture to those in need, with reduced prices for those in receipt of benefits. The first quarterly payments had been made.

The CAB's two new temporary Debt Advisor posts had now been filled and were operational from the three CAB offices and the Limes Centre, Chigwell, funded by a grant of £67,900 from the Council.

An appointment had been made to the additional post of Homeslessness Prevention Officer following the Cabinet's decision to use part of the CLG's funding for homelessness prevention to create the additional post. The new post holder had started on 6 June 2013.

The Finance and Technology Portfolio Holder had agreed the Council's new Discretionary Housing Payments (DHP) Policy which included the use of DHPs for rental loans. Since April 2013 47 applications for DHPs had been considered, of which 26 applications had been accepted and 21 had been refused. The cost of the accepted claims to date amounted to £20,600 per annum, representing 10% of the Council's DHP allocation of £206,000.

The Council's Management Board had also identified that the effects of the welfare reforms on the Council and the community represented one of the Council's 8 most significant risks.

RECOMMENDED:

That the latest Quarterly Progress Report on the Welfare Reform Mitigation Action Plan, as at 1 June 2013 be noted.

8. ANNUAL ETHNIC MONITORING REVIEW

The Panel received a report from the Assistant Director of Housing (Operations) regarding the ethnic monitoring of applicants registered on the Housing Register and housing allocations made to applicants.

The Council had a Policy Statement for Equal Opportunities in the Provision of Housing Services. The Statement included a requirement for an annual review of the ethnicity of applicants on the Housing register, compared with the ethnicity of those allocated accommodation.

The review was to identify whether or not there were any indications to suggest the Council may have been discriminating against any one ethnic group.

Although a large number of housing applicants did not disclose their ethnicity, it was evident from the analyses shown that the ethnic make up of the Housing Register mirrored the allocation of vacancies sufficiently for the Council to be confident that its Allocations Scheme did not racially discriminate either directly or indirectly.

The Panel agreed that for 2013/14, the response should be considered in October 2014 and in conjunction with a report on the Review of the Housing Allocations Scheme.

RECOMMENDED:

- (1) That no changes be recommended to the Housing Portfolio Holder regarding Ethnic Monitoring from the Council's Housing Allocations Scheme as a result of the ethnic monitoring review; and
- (2) That the response for 2013/14 be considered in October 2014, in conjunction with a report on the Review of the Housing Allocations Scheme.

9. HOUSING KEY PERFORMANCE INDICATORS (KPIs) 2012/13 OUT-TURNS AND 2013/14 TARGETS

The Panel received a report from the Director of Housing regarding Housing Key Performance Indicators (KPIs) 2012/13 Out-Turns and 2013/14 Targets.

The Council had adopted a number of Key Performance Indicators (KPIs) which, for 2012/13, included 9 KPIs relating to the Housing Service. Performance against all of the Council's KPIs were monitored on a quarterly basis by the Finance and Performance Management Scrutiny Standing Panel.

Consideration of the Council's end of year performance in relation to the Housing KPIs was included within the Panel's Annual Work Programme. At its last meeting on 12 March 2013, the Finance and Performance Management Scrutiny Standing Panel considered and agreed the list of Council KPIs to be collected and monitored for 2013/14 together with associated targets which were also considered by the Panel.

RECOMMENDED:

That performance in relation to the Housing Key Performance Indicators (KPIs) in 2012/13, and the targets agreed by the Finance and Performance Management Scrutiny Standing Panel for Housing KPIs in 2013/14, be noted.

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

The Chairman would advise the Overview and Scrutiny Committee that the following reports had been given support:

- (a) Conditions of Tenancy;
- (b) Review of Housing Service Standards; and
- (c) Welfare Reform Mitigation Action Plan.

11. FUTURE MEETINGS

The next meeting of the Panel was scheduled for Tuesday 23 July 2013 at 5.30p.m. in Committee Room 1.