

Minutes

Community, Health and Housing Committee Tuesday, 5th March, 2019

Attendance

| | |
|----------------------|-----------------|
| Cllr McLaren (Chair) | Cllr Mrs Pound |
| Cllr Bridge | Cllr Ms Sanders |
| Cllr Clarke | Cllr Tierney |
| Cllr Mrs Davies | Cllr Wiles |

Apologies

Cllr Mrs Fulcher

Substitute Present

Cllr Naylor (substituting for Cllr Mrs Fulcher)

Also Present

Cllr Mrs Hones
Cllr Hossack
Cllr McCheyne
Cllr Ms Rowlands

Officers Present

| | | |
|-----------------|---|--|
| Kim Anderson | - | Partnership, Leisure and Funding Manager |
| Stuart Anderson | - | Deputy Operations Manager |
| Phoebe Barnes | - | Interim Financial Controller |
| David Carter | - | Environmental Health Manager |
| Stuart Morris | - | Interim Housing Policy Manager |
| Angela Abbott | - | Housing Manager |
| Zoey Foakes | - | Governance & Member Support Officer |
| Nicola Marsh | - | Housing Manager |
| Steve Summers | - | Chief Operating Officer |

In accordance with Rule 20 of the constitution the Leader had nominated Cllr Tom McLaren as Chair for Community, Health and Housing Committee.

It was MOVED that Cllr Thomas Bridge be appointed as Vice-Chair of this Community, Health and Housing Committee meeting.

(Cllr Wiles declared a non-pecuniary interest as his wife was a council tenant.)

Cllr Mrs Davies welcomed the new Chair, Cllr McLaren and thanked the work of the previous Chair Cllr Hossack.

344. Apologies for Absence

Apologies were received from Cllr Fulcher and Cllr Naylor substituted.

345. Minutes of the Previous Meeting

Following a query on the status of empty homes in the borough, Cllr McLaren agreed that Empty Homes Strategy would be a standing item on future agendas.

The minutes of the previous minutes were approved to be true record.

346. Chairs Update

Members noted the updates from Officers set out in the Agenda.

347. Asset of Community Value - Shenfield Library

The Localism Act 2011 introduced the Community Right to Bid, a new right for local people to nominate buildings or pieces of land that they believed contributed to the social interests or wellbeing of their local communities to be listed on a register of Assets of Community Value (ACVs), managed by the local authority. The Right applied to public and private property, although there were a number of exceptions under the legislation, including private residences. Where land was listed as an ACV, if an owner of a listed asset subsequently wished to dispose of it, there would be a period of time during which the asset could not be sold, or a qualifying lease granted or assigned (a qualifying lease was a lease originally granted for a 25year term). This period was known as a moratorium and would ultimately be for a period of six months. The moratorium was intended to allow community groups the time to develop a proposal and raise the required capital to bid for the asset when it came onto the open market at the end of that period. The owner was under no obligation to accept a bid from the community group and could sell the property to whomever they wished once the six-month moratorium was over.

A nomination had been received to list Shenfield Library as an Asset of Community Value and the report asked the Committee to make a decision on this nomination.

A motion was **MOVED** by Cllr Mrs Pound and **SECONDED** by Cllr Bridge to approve the recommendation in the report.

A vote was taken by a show of hands and it was **RESOLVED UNANIMOUSLY:**

That Members agree to list the land as indicated on Appendix B of the report as an Asset of Community Value.

Reasons for Recommendation

The nomination had passed the Council's due diligence tests including the submission of evidence that the group was eligible to nominate. The nomination passed the first statutory test as it clearly furthers the social interests and wellbeing of the local community.

Shenfield Library was within the scope of ECC Libraries Strategy. No decision had therefore been taken about the future of Shenfield Library and the options for the site included an option in which the building was offered to the local community to run as a community library. Both this option and others were currently possible and so there was a realistic chance that the asset would continue to provide the activities for which it had been nominated. The nomination therefore passed the second statutory test.

The Council could decide not to list Shenfield Library as an Asset of Community Value, but this would mean that it was not fulfilling its statutory duty under the Localism Act 2011.

Variation in the order of the agenda

The Chair proposed and it was agreed to vary the order of the agenda and consider item 13 – Urgent Business, Asset of Community Value – Ingatestone Library next.

348. Urgent Business Asset of Community Value – Ingatestone Library

The Localism Act 2011 introduced the Community Right to Bid, a new right for local people to nominate buildings or pieces of land that they believe contribute to the social interests or wellbeing of their local communities to be listed on a register of Assets of Community Value (ACVs), managed by the local authority. The Right applied to public and private property, although there were a number of exceptions under the legislation, including private residences. Where land was listed as an ACV, if an owner of a listed asset subsequently wished to dispose of it, there would be a period of time during which the asset could not be sold, or a qualifying lease granted or assigned (a qualifying lease was a lease originally granted for a 25year term). This period was known as a moratorium and would ultimately be for a period of six months. The moratorium was intended to allow community groups the time to develop a proposal and raise the required capital to bid for the asset when it came onto the open market at the end of that period. The owner was under no obligation to accept a bid from the community group and could sell the property to whomever they wished once the six-month moratorium is over.

A nomination had been received to list Ingatestone Library as an Asset of Community Value and the report asked the Committee to make a decision on this nomination.

A motion was **MOVED** by Cllr Bridge and **SECONDED** by Cllr McLaren to approve the recommendation in the report.

A vote was taken by a show of hands and it was **RESOLVED UNANIMOUSLY:**

That Members agree to list the land as indicated on Appendix 2 of the report as an Asset of Community Value.

Reasons for Recommendation

The nomination had passed the Council's due diligence tests including the submission of evidence that the group was eligible to nominate. The nomination passed the first statutory test as it clearly furthers the social interests and wellbeing of the local community.

Ingatestone Library was within the scope of ECC Libraries Strategy. No decision had therefore been taken about the future of Shenfield Library and the options for the site included an option in which the building was offered to the local community to run as a community library. Both this option and others were currently possible and so there was a realistic chance that the asset would continue to provide the activities for which it had been nominated. The nomination therefore passed the second statutory test.

The Council could decide not to list Shenfield Library as an Asset of Community Value, but this would mean that it was not fulfilling its statutory duty under the Localism Act 2011.

349. Housing Audit Update

The report was intended to update the Community, Health & Housing Committee of the progress of the 2016/17 and 2017/18 Audit reviews for Housing Services. Those Audits were included in the Council's approved Audit plans for 2016/17.

The outcome of the 2016/17 internal audit review was originally reported to the Audit Committee on the 27th September 2017 ("Audit Report 1 – May 2017").

The outcome of the 2017/18 internal audit review was originally reported to the Audit Committee on the 14th December 2017 ("Audit Report 2 – November 2017").

The full Audit reports with updates were reported to the Community, Health & Housing Committees in the first part of 2018 with subsequent reports providing updates and details of 'outstanding' recommendations reported to the later committees in 2018.

Both Audit reports would enable the Housing Service to concentrate on specific areas highlighted by the Audit recommendations to implement essential service improvements as part of the ongoing transformation programme.

Mr Summers gave a presentation to support members understanding of the two agenda items: Housing Audit Update and Progress Update on Housing Asset Management, Investment Programme and Compliance items as the items were linked. The presentation included the outcome of the Audit reports including compliance recommendations, the Gap Analysis that had been completed and the policies that had been approved by the committee in 2018.

In addition, Mr Summers advised of the planned programmes to be developed during mobilisation during the Repairs and Maintenance contract which were as follows

- All Fire Risk assessment remedial to be completed
- Electrical surveys and remedial works to be carried out for communal areas and individual dwellings
- Asbestos removal in communal areas and individual dwellings

He also identified the 26 key elements of the mobilisation contract that was due to go live on the 4th June 2019. The presentation included the governance arrangements for this work and completion details for each of the 8 compliancy areas which was also set out in the report before members.

The Chair asked members to consider these two agenda items together with the discussion although recommendations would be taken separately.

Mr Summers referred to amendments in the report, page 85 of the agenda item 3.28 should refer to Appendices C and D, and page 89 of the report item 3.60 should refer to Appendix E.

Following from Mr Summers presentation, Cllr Mrs Davies raised a question regarding the status of the Stock Condition Survey. Mr Summers responded that when the information from the survey had been entered into Basildon District Councils Keystone software system, there was a concern regarding the validity of the data which did not provide Brentwood Borough Council with confidence. The Chair requested that Members were updated if or when a decision takes place to take legal action with regard to the Stock Condition Survey this was reported back to members.

Members had concerns on the asbestos report and the Chair requested a separate asbestos report to be presented back to the committee with the outline of what steps had been taken.

Cllr Clarke questioned the current update on rent arrears and Mrs Marsh advised that she would be able to provide the latest information to all members following the meeting including the trends from the past 2 years. Cllr Wiles requested the information to include former and current tenants debts.

Referring to Item 5 Appendix A, Cllr Ms Saunders requested that the Update column have more detail and evidence on the reasoning when there was a change of rating. Mr Summers explained that it was identified as not applicable in the appendix because the recommendations were completed and if further evidence was required it would be reported back.

Following from member comments, the Chair recommended that moving forward, communication timescales with members on significant issues were improved.

Cllr Wiles recommended that planned maintenance updates were standing item within the Chairs update to be reported back at every Community, Health and Housing committee meeting.

Mr Summers suggested that in the future briefings could be provided for committee members ,outside of the committee meetings structure, on the Housing Service function and associated programme of works.

Cllr Bridge proposed that the new committee members of the Community, Health and Housing Committee for the next municipal year be briefed on the background and current position.

Members requested that future reports be in a more readable format.

In response to members concerns Mr Summers advised the committee that the Chief Executive had commissioned the Council's independent Internal Auditors to review the recent issues that had been raised by the ex-Chair and Vice Chair of the committee. The outcome of this review, once completed, would be reported to both the Audit and Scrutiny Committee and the Community, Health and Housing Committee.

A motion was **MOVED** by Cllr McLaren and **SECONDED** by Cllr Bridge to approve the recommendation in the report.

A vote was taken by a show of hands and it was **RESOLVED**:

1. That the Committee receives and notes the progress made from the 4th December 2018 committee report as outlined in both Audit Reports (as summarised in Appendix A).

2. That the Committee agree that a further report on progress made on implementing the recommendations is presented to the next Committee.

3. Officers to work with the Chair and Vice Chair to develop a comprehensive and more readable format for the committee reports.

7 members of the committee abstained from the vote.

Reasons for Recommendation:

To monitor the progress of work against the highlighted actions arising from the Audit Reports and the management actions in response to those recommendations.

350. Progress Update on Housing Asset Management, Investment Programme and Compliance

The report provided the committee with a progress update on Housing Asset Management, Investment and Compliance in Housing.

The update report followed on from the previous progress report on the matters which were provided to the 11th September 2018 Community, Health & Housing Committee, Min 121 refers.

Cllr Wiles requested that all outcomes and recommendations of previous and future audits be reported to Audit and Scrutiny Committee and the Community, Health and Housing Committee.

The Chair took the vote on each recommendation individually.

A motion was **MOVED** by Cllr McLaren and **SECONDED** by Cllr Bridge to approve the recommendation 2.1 in the report subject to the following amendment. A vote was taken by a show of hands and it was **RESOLVED UNANIMOUSLY:**

1. To note the contents of the report *whilst noting members dissatisfaction with the performance of the housing service as demonstrated by the results of the compliancy.*

A new motion was **MOVED** by Cllr McLaren and **SECONDED** by Cllr Bridge. A vote was taken by a show of hands and it was **RESOLVED UNANIMOUSLY:**

2. Note that an audit of the housing service is ongoing and require that the outcome of the audit comes back to the Community, Health and Housing committee for consideration and request that any outcomes from such audit are forwarded to the appropriate committee for further action.

A motion was **MOVED** by Cllr McLaren and **SECONDED** by Cllr Bridge to approve the recommendation 2.2 in the report subject to the following amendment. A vote was taken by a show of hands and it was **RESOLVED UNANIMOUSLY:**

3. That the Committee agree that a report on progress to demonstrate the continuing strengthening of compliance considerations, through the completion of the Housing Compliance Programme, incorporating internal audit recommendations, is a fixed Committee agenda item until March 2020, when this will be reviewed.

Reasons for Recommendation

The report highlighted progress on Asset Management, Capital Programme and Compliance in Housing. Members were invited to comment on the report contents.

The committee took a short adjournment after this agenda item.

TERMINATION OF MEETING

During the preceding item, in accordance with Rule 28 of Part 4.1 – Council Procedure Rules, the businesses of the meeting not having concluded by two hours after its start, Members voted and agreed to continue with the meeting for a further 30 minutes.

351. Housing Garage Sites

The Council owned a range of garage sites across the Borough, including those that were disused and hard to let. Members previously agreed that Officers should identify the potential redevelopment of sites that provided an immediate opportunity for new affordable housing.

Officers had identified two potential sites. One site is at Brookfield Close, Hutton and the second at Sir Francis Way, which is located in Brentwood, very close to the Town Centre. Both sites provided excellent potential for redevelopment.

The Brookfield Close redevelopment site would replace properties that do not meet the current decent home standard.

To formally establish the viability of each site a technical report was required, in the form of an initial feasibility study, which would outline potential on both sites, and inform in terms of quantum and tenure mix.

A motion was **MOVED** by Cllr McLaren and **SECONDED** by Cllr Bridge to approve the recommendation in the report.

A vote was taken by a show of hands and it was **RESOLVED UNANIMOUSLY:**

1. That the Committee formally approves delegated authority for the Housing Services Manager to commission an architect to prepare an initial feasibility report relating to both sites, up to a limit of £20,000.

2. That the feasibility report outcomes are reported to the next Community, Health & Housing Committee.

Reasons for Recommendation:

Identified issues of housing need; parking provision; anti-social behaviour and fly-tipping would be captured in an enhanced strategic approach, rather than having to be dealt with in a reactive and uncoordinated manner.

352. Decant Policy

The report set out the background and recommendation to adopt a formal written *Decant Policy* ('the Policy'). The Policy would allow for a more focussed and transparent approach to service provision as a social landlord and to private sector home owners.

The Council did not currently have a written and published Policy and given current building projects, and future housing strategy it was as an area for improvement to move towards substantial assurance.

The introduction and implementation of the Policy would ensure efficiency, economy and excellence of service provision as a social landlord.

Members praised the officer, Mr Morris for the quality of the report and policy.

A motion was **MOVED** by Cllr McLaren and **SECONDED** by Cllr Bridge to approve the recommendation in the report.

A vote was taken by a show of hands and it was **RESOLVED UNANIMOUSLY:**

That the Committee formally approve Option 1 the adoption of the 'Decant Policy 2019' at set out at Appendix A.

Reasons for Recommendation

Option 1 was recommended as the most transparent option for the Council and supported the '*Getting our House in Order*' transformation programme for Housing Services. It would provide a clear document for tenants to hold the Council to account.

Taking no further action would fail to advance corporate priorities and would be counter to our modernisation approach.

353. Housing Civil Penalties

At the meeting of the Community, Health and Housing Committee on 4th December 2018 Members received a report introducing the provisions for civil penalties to be implemented for certain offences under the Housing Act 2004.

Members resolved to approve the introduction of civil penalties as an alternative to prosecution where appropriate and officers were instructed to

prepare a schedule of fixed penalties to be considered at this meeting for adoption.

The Housing and Planning Act 2016 introduced a number of amendments to the Housing Act 2004. Local housing authorities had the power to impose civil penalties of up to £30,000 as an alternative to prosecution for offences under the Housing Act 2004.

Cllr Wiles **MOVED** and Cllr McLaren **SECONDED** to approve the recommendations in the report subject to the following amendment:

2. Any severe civil penalties considered to be imposed will be in consultation with the chair of Community, Health and Housing committee and advise ward members as appropriate.

A motion was **MOVED** by Cllr McLaren and **SECONDED** by Cllr Bridge to approve the recommendation in the report.

A vote was taken by a show of hands and it was **RESOLVED UNANIMOUSLY:**

1. Members approve the scheme for civil penalties to be considered, where appropriate and as set out in 3.5 of this report, as an alternative to prosecution for offences under the Housing Act 2004.

2. Any severe civil penalties considered to be imposed will be in consultation with the chair of Community, Health and Housing committee *and advise ward members as appropriate.*

3. Any civil penalties imposed will be reported in future chairs update.

Reasons for Recommendation

In order to keep enforcement practices up to date with current legislation and to provide appropriate resolution to offences committed with less reliance on lengthy and expensive Court action to deal with offences.

TERMINATION OF MEETING

During the preceding item, in accordance with Rule 28 of Part 4.1 – Council Procedure Rules, the businesses of the meeting not having concluded by two hours after its start, Members voted and agreed to continue with the meeting for a further 30 minutes.

354. Allocations Policy Amendment

The report set out the background and recommendation to amend the existing Allocations Policy 2014 ('the Policy'). The amendment concerned a revised approach to the 'bypassing' of applicants for offers on the Choice- Based Lettings ('CBL') allocations system.

The amendment was intended to clarify existing policy and to achieve the core objectives as listed below.

Appendix A was the suggested Annex to the existing Allocations Policy 2014, with the amended policy wording as per Appendix B.

Members congratulated the officer, Mr Morris on the quality of the document.

A motion was **MOVED** by Cllr McLaren and **SECONDED** by Cllr Bridge to approve the recommendation in the report.

A vote was taken by a show of hands and it was **RESOLVED UNANIMOUSLY:**

That the Committee formally approve the changes to the Council's Allocations Policy 2014, set out in Appendices A and B of the report, to clarify the requirements which applicants need to meet to be eligible for the allocation of a social housing property for which a bid has been placed.

Reasons for Recommendation:

The changes would allow for a greater transparency of approach, whilst creating a fairer 'move on' process for all.

The changes should reduce the waiting time of homeless households in temporary accommodation and allow for a reduction in expenditure accordingly.

It would allow tenants who had only fallen into arrears for 'technical' reasons not to be disregarded for future property allocations.

It will retain the principle that those households who fail to meet their obligations, either through wilful refusal or culpable neglect, were not given the same access to housing as those households who do. It would however ensure that a suitable system was put into place however to allow them to mitigate their difficulties and to ensure rent and revenue protection for the Council.

Taking no further action would fail to advance corporate priorities and would be counter to our modernisation approach.

355. Mental Health Small Grant Scheme

The Mental Health Small Grants Scheme was launched in 2017/18 and was funded through the Brentwood Health and Wellbeing Board grant. For 2018/19 the Brentwood Health and Wellbeing Board and Brentwood Borough Council decided to joint fund the scheme resulting in a pot of £8,000 that applicants could apply for. The fund was launched in 7 February 2019 on Time to Talk Day and will close on 21 March 2019.

Due to the timing of the launch of the fund, Community Health and Housing Committee scheduled dates and the start of Purdah, and so as to not delay the allocation of funding, it was recommended that the allocation of funding be delegated to the Interim Chief Finance Officer in consultation with the Chair of Community Health and Housing Committee and the Chair of Brentwood Health and Wellbeing Board.

Cllr Ms Saunders thanked Cllrs Mrs Davies for vice chair role on Brentwood Health and Wellbeing Board.

Cllr Ms Saunders **MOVED** and Cllr Davies **SECONDED** to approve the recommendations in the report subject to the following amendment:

1. That Members agree that Delegated authority is given to Interim Chief Finance Officer in consultation with the Chair of Community Health and Housing Committee and the Chair *and Vice Chair* of Brentwood Health and Wellbeing Board to agree the allocation of grant funding in respect of the Mental Health Small Grants Scheme.

A vote was taken by a show of hands and it was **RESOLVED UNANIMOUSLY:**

1. That Members agree that Delegated authority is given to Interim Chief Finance Officer in consultation with the Chair of Community Health and Housing Committee and the Chair *and Vice Chair* of Brentwood Health and Wellbeing Board to agree the allocation of grant funding in respect of the Mental Health Small Grants Scheme.

2. To advise Members accordingly of the final allocation of grant funding.

Reasons for Recommendation

The Mental Health Small Grants Scheme would be subject to a robust, independent and transparent scoring process to ensure fairness in the allocation of funding. Once received the applications would be scored by a panel of officers looking at the following key priorities:

- Evidence that the application meets the criteria, the Council's priorities and expected outcomes
- Evidence that the community has been involved in the development and implementation of the project
- Evidence that the application supports the promotion of volunteering and community participation.
- Evidence that the project is sustainable once the Mental Health Small Grants Scheme contribution has ceased.

The applications were individually scored by three different officers and a mediated score agreed upon. These were then ranked by their score.

The recommendations by officers would normally be presented to Community Health and Housing Committee (or other relevant Committee), but due to the

timings from the launch of the fund, Committee dates and Purdah, it was recommended that delegated authority is given to the Interim Chief Finance Officer in consultation with the Chair of Community Health and Housing Committee and Chair of Brentwood Health and Wellbeing Board to agree to the allocation of funding.

Notifications would be made to all those applicants that applied. Successful applicants would also need any terms stipulated within the conditions of the grant being awarded. Successful applicants would also need to complete a self-monitoring report once their project had been completed.

Any unsuccessful applicants to the Mental Health Small Grants Scheme would be offered the following support: Face to face meetings with the Partnership, Leisure and Funding Manager to review their prospective application; offered funding training session via Brentwood Council for Voluntary Services which included tips on submitting a good funding application. Members would also be encouraged to assist in this process; Organisations would also be signposted to the Open 4 Community on the Council's website to look at other sources of external funding to support their project if applicable.

356. Essex Faith Covenant

The Essex Faith Covenant was joint commitment between faith communities and local priorities to a set of principles that guide engagement, aiming to remove some of the mistrust that exists and to promote open, practical working on all levels. It was launched in October 2017 to establish four pilot areas in Basildon, Braintree, Chelmsford and Colchester. The Essex Faith Covenant Steering Group (EFCSG), was broadly representative of all of the organisations and faith groups that had currently signed up to the Essex Faith Covenant and had provided oversight and support in the initial pilot areas in developing and showcasing activity and best practice.

Both faith groups and public services signatories were committed to work together to proactively build relationships and trust between faith groups and public services; create opportunities to raise awareness and share learning and knowledge between faith communities, and within the public services; and seek opportunities to bring people together to serve the community, particularly the most disadvantaged.

A motion was **MOVED** by Cllr Bridge and **SECONDED** by Cllr Ms Saunders to approve the recommendation in the report.

A vote was taken by a show of hands and it was **RESOLVED UNANIMOUSLY:**

That Members agree to sign up to the Essex Faith Covenant on behalf of Brentwood Borough Council and adhere to the principles as set out in Appendix A of the report and support the priorities of the Essex Faith Covenant Steering Group (EFCSG).

Reasons for Recommendation

The Essex Faith Covenant supported the Council aims of working in partnership with faith groups and community and voluntary organisations to ensure that there was effective community engagement and to identify priorities for local communities.

The meeting concluded at 21.45