

**EPPING FOREST DISTRICT COUNCIL
NOTES OF A MEETING OF COMMUNITIES SELECT COMMITTEE
HELD ON TUESDAY, 5 SEPTEMBER 2017
IN COMMITTEE ROOM 1, CIVIC OFFICES, HIGH STREET, EPPING
AT 7.00 - 9.00 PM**

- Members Present:** Y Knight (Chairman), G Shiell (Vice-Chairman), R Baldwin, A Beales, L Girling, L Hughes, A Mitchell, S Neville, D Sunger, B Surtees, H Whitbread and A Yaman (Epping Forest Youth Councillor)
- Other members present:** S Stavrou, S Kane, J Lea, C Whitbread and J H Whitehouse
- Apologies for Absence:** R Gadsby and S Heap
- Officers Present** R Wilson (Assistant Director (Housing Operations)), R Wallace (Housing Options Manager) and A Hendry (Senior Democratic Services Officer)

16. SUBSTITUTE MEMBERS (MINUTE ITEM 39 - 23.7.02)

It was noted that Councillor S Neville was substituting for Councillor S Heap.

17. NOTES OF PREVIOUS MEETING

RESOLVED:

That the notes of the last meeting of the Select Committee held on 20 June 2017 be agreed.

18. DECLARATIONS OF INTEREST

Pursuant to the Officer's Code of Conduct, R Wilson, Assistant Director – Housing Operations, declared a personal interest in agenda item 6, Review of Housing Allocations Scheme, by virtue of his two children being on the District Council's Housing Register.

19. TERMS OF REFERENCE/WORK PROGRAMME

(a) Terms of Reference

The Select Committee noted their terms of reference.

(b) Work Programme

The Select Committee reviewed their work programme and noted that:

- **Item 5**, *6 month progress report on implementation of the ageing population* – will now go to the November 2017 meeting;
- **Item 6**, *annual diversity report of housing applicants and lettings* – will now go to the November 2017 meeting;
- **Item 7**, *annual report on the HomeOptions Choice based letting scheme* – this will also now go to the November 2017 meeting;

- Item 10, annual feedback on the success of the crucial crew initiative and proposal for future delivery – will now go to the November 2017 meeting;
- **Items 29 and 30** should have their dates swapped – item 29 will go to the November meeting and item 30 was at this meeting;
- **Item 32 and 33**, *Presentation from the CAB and Review of the funding to CAB for two debt advisors* – it was noted that the current CAB District Manager had recently resigned and therefore there may not be a presentation in November depending on when they fill that vacancy. Also because of this the Committee agreed that a report asking for the continuation of the funding of the debt advisors be submitted directly to the Cabinet in order to meet the budget deadlines.

AGREED: that if the CAB could not attend the November meeting to give their presentation, the Committee agreed that a report asking for the continuation of the funding of the debt advisors be submitted directly to the Cabinet in order to meet the budget deadlines.

20. REVIEW OF HOUSING ALLOCATIONS SCHEME

The Assistant Director, Housing Operations, Mr R Wilson introduced the review of the Council's Housing Allocations Scheme. The Council was legally required to have a Housing Allocations Scheme for determining priorities and the procedure to be followed in selecting a person for accommodation, or nominating a person to be a tenant for accommodation held by another Registered Provider of social housing.

Under Government Guidance, authorities were given powers to decide locally how accommodation should be allocated based upon local priorities and were empowered to allocate their accommodation in any way they saw fit, provided schemes were both legal and rational.

The Committee was therefore asked to review the Scheme, in order to consider whether any further changes were required, and to submit a report to the Cabinet on the outcome of its review and any recommended changes. Before this, it was suggested that the new draft Scheme be considered by an external Legal Advisor, prior to the statutory consultation being undertaken and the Cabinet considering the final scheme. In accordance with legal advice previously received, the consultation period was required to be 12 weeks.

Items under review:

Residency Criteria - Under one aspect of the current Local Eligibility Criteria of the Scheme, in order to join the Council's Housing Register an applicant must have been resident in the District for **five** continuous years. The initial views of Cabinet members was that this should be increased, with any new applicant who has lived in the District for less than **seven** continuous years immediately prior to their date of registration, not qualifying for inclusion on the Council's Housing Register.

Councillor Neville asked how 7 years was arrived at? The meeting was advised that, when discussing initial views, Cabinet Members considered a residency criteria of 10 years, but felt 7 years would be a compromise. However, it was for this committee to make a recommendation to the Cabinet. The Housing Portfolio Holder added that many of our residents were searching for housing, and we did not have enough and so we were protecting this limited resource for local people. Councillor C Whitbread commented the Council only manages to house a limited number of people a year

and we should prioritise our residents. Councillor J H Whitehouse could see the reason for this but had concerns about people who moved away, say to university, for a few years and then came back. How would this affect them? And also, we needed to build more houses. Mr Wilson replied that the residency criteria had exceptions such as people in the armed forces, or people moving into the district for employment etc. there would be a number of exceptions around this criteria.

Councillor H Whitbread asked if family connections had been looked into and considered. Mr Wilson said that they had been considered and it was set out in appendix 3 of the report, although it was difficult to define 'family associations'. Councillor C Whitbread said it could be set to immediate family, such as son or daughter.

Councillor Sunger wondered if exceptions were made for people in special circumstances such as people with disabilities. Mr Wilson replied that there were some circumstances for people with special needs and this would be explained later.

AGREED:

That the Residency Criteria be increased, with any new applicant who has lived in the District for less than **seven** continuous years immediately prior to their date of application (subject to certain exceptions), not qualifying for inclusion on the Council's Housing Register.

Financial Criteria of Local Eligibility Criteria - Under the current Scheme, any applicant/s who, in the opinion of the Council, has sufficient funds including; annual income, residential property equity, savings, shares or other assets to enable them to meet his or her housing costs will be treated as not qualifying. The thresholds at which this criterion will apply are where the annual gross household taxable income added to any residential property, equity, savings, shares or any other assets, exceeds £76,000. Applicants are required to provide evidence of income and savings.

AGREED:

That the Financial Criteria should remain the same and that any applicant in the view of the Director of Communities, has deliberately disposed of assets by means of wilful deprivation within the last 6 years will not qualify.

Serious Unacceptable Behaviour - Under the current Scheme, any person (or a member of their household) who, within the previous 3 years, has been guilty of serious unacceptable behaviour sufficient in the opinion of the relevant Area Housing Manager to make them unsuitable as a tenant of the Council will be treated as not qualifying.

Officers had recommended that:

- (a) Any person (or a member of their household) who in the opinion of the relevant Area Housing Manager has in the previous **3 years** had serious rent arrears (including housing benefit and Court cost arrears) or had breached other tenancy conditions including damage, neighbour nuisance amongst others will be treated as not qualifying.
- (b) Any person (or a member of their household) who has committed acts of proven social housing fraud or proven offences under the Anti-Social

Behaviour; Crime and Policing Act 2014 or any other relevant legislation within the previous **7 years** will be treated as not qualifying.

The Committee debated this dual recommendation.

Councillor C Whitbread said that it was a privilege not a right to have a council house. He noted that Cabinet members were of the opinion that a set period of seven years be agreed and not three. Councillor Knight added that she has had experience of this type of behaviour in the past and agreed that the current penalties were not enough and was happy to have this extended to 7 years as standard.

Councillor Surtees commented that things set in stone were dangerous; housing was a right not a privilege. There should be some way for people to work their way back to be fit to have accommodation. He felt this proposal process appeared too mechanical.

Councillor Sunger agreed with Councillor C Whitbread, it was a privilege not a right.

Mr Wallace the Housing Options Manager, added that it was important to stress that applicants also had a right to have a review of any decision, firstly to the council and then to the ombudsman service.

Councillor Neville said he would prefer to have the 3 years “ban” for having serious rent arrears. It would be harsh to have a 7 year “ban”. Councillor Shiell commented that if this was mortgage arrears they would be evicted. Councillor Neville responded that would mean that people who were socially disadvantaged would get thrown out of their homes.

Councillor Stavrou said that they could get benefits and other types of help from our systems. This was aimed at people who thought that social housing was their right. It's there for people who genuinely cannot manage.

Councillor Baldwin noted that housing benefits were now paid at 90% and also no longer paid directly to the landlords. This was greater incentive for people to spend their money elsewhere. Mr Wilson explained about the Local Housing Allowance and the arrangements (and future arrangements) regarding housing benefit paid direct.

The Select Committee voted on whether they would support the three or seven year penalty.

AGREED: That it be recommended to the Cabinet, that any person guilty of serious unacceptable behaviour in the previous 7 years be treated as non qualifying.

Penalties for refusal of offers of accommodation - Under the current Scheme, any home seeker who refuses **two** offers of suitable accommodation for which they had expressed an interest within any period would have their application deferred for a period of twelve months.

Officers had recommended that:

Subject to the circumstances in the paragraph below, any home seeker who refuses **two** offers of suitable accommodation for which they have expressed an interest within any period have their application deferred for a period of 2 years.

However, it was further recommended that any tenant of the Council who was under-occupying and was wishing to move to smaller Council accommodation, who refuses **three** offers of suitable accommodation for which they have expressed an interest within any period, should have their application deferred for a period of **twelve months** with no change being made. This was in order to continue to encourage tenants to downsize. Furthermore, it would enable a Secure Fixed-Term Tenant who was under-occupying and nearing the end of their tenancy term to downsize more easily and remove the need to take enforcement action at the end of their tenancy.

Mr Wilson explained that if the tenants had security of tenure they could not be forced to move. But with fixed term tenancies, we could require them to move to a new (smaller) property at the end their fixed term provided they had not breached tenancy conditions.

Councillor S Kane asked how this would work for under occupiers, if we offered them a new property but they did not want to move, what next? Mr Wilson said we could proceed to court. The Government were saying that they wanted 5 years (fixed term) to be the norm; some exceptions could be brought in, say if the children were under 9 years old, they would like them to have a fixed term until they were aged over 19 years.

Councillor Lea asked if a person had a lifetime tenancy why would they only bid on three properties. Mr Wilson said the council had to draw the line somewhere, and if people were very choosy then the void times would increase.

Councillor Sunger said that we should help the people who wanted to downsize. Mr Wallace added that the whole scheme was geared around choice.

Councillor Neville noted that the report said if they "refused two suitable offers". Were there any unsuitable offers? Mr Wilson replied that there were, the offers had to be 'suitable' which had meaning in law.

Councillor C Whitbread asked how many people, per year, with lifetime tenancies asked to downsize. Mr Wilson replied about a dozen or so. Councillor Whitbread continued that a lot of people did not want to move, the biggest problem was freeing up three or more bedroom homes. Councillor Whitbread suggested that the Cabinet review the matter.

AGREED:

1. That the Select Committee recommends that any home seeker who refuses **two** offers of suitable accommodation for which they have expressed an interest within any period have their application deferred for a period of 2 years;
2. That the Cabinet considers the number of offers to be made to any tenant of the Council wishing to move to smaller accommodation before their application is deferred.

Homeless Applicants - That homeless applicants continue to be made one offer of suitable accommodation after receiving their S.184 decision letter, generally in flatted accommodation (including maisonettes). However, in order to discharge its main homelessness duty, the Council will offer homeless applicants a 2 year Secure Fixed-Term Tenancy to give some temporary stability in order to prepare them to make their own arrangements thereafter.

The Council had sought Legal Advice from Stephen Knafler QC on this suggested change. He advises that the Council could discharge its duty by offering an applicant a fixed-term tenancy as this would be an offer of accommodation under the Housing Act 1996 as amended by the Homelessness Act 2002, provided the offer was suitable. He further pointed out the issues around any applicant who is housed in this way that may become unintentionally homeless, and the statement that the Council would retain its duty to help [provide advice to] the applicant if they become unintentionally homeless at the end of the period.

Councillor Knight asked if they could come back after a two year secure fixed-term tenancy period, say after 6 months or so, and ask to be assessed as homeless again. Mr Wilson said they would need to seek Housing Advice and Assistance from the Council.

Councillor Hughes asked how they dealt with a homeless person when they first come in. Mr Wallace replied that they first looked at how they could prevent the homelessness, and if they could not do so they would ask if they were vulnerable or not. They could then provide interim assistance while they made enquiries.

AGREED:

That homeless applicants continue to be made one offer of suitable accommodation after receiving their S.184 decision letter, generally in flatted accommodation (including maisonettes). However, in order to discharge its main homelessness duty, the Council will offer homeless applicants a 2 year Secure Fixed-Term Tenancy to give some temporary stability in order to prepare them to make their own arrangements thereafter.

Applicants living in Supported Housing – the committee agreed the recommendation put forward.

AGREED:

That the current Residency Criteria for vulnerable people who are placed in supported housing schemes within the District be reduced from three years to two years in order to recognize the needs of vulnerable groups.

Future review of the Housing Allocations Scheme – the Committee agreed that the Housing Allocations Scheme be reviewed again following 3 years of operation with the revised scheme coming into force on 1 April 2022.

Appendix 2: Changes to the scheme -

Paragraph 7.4 – new wording agreed.

Paragraph 9.1 – agreed.

Paragraph 14.5 – agreed.

Paragraph 16.3 – agreed.

Paragraph 21 – agreed.

Appendix 4 – paragraph 1.61 – agreed to delete paragraph.

Appendix 4 – paragraph 1.6 – agreed to delete paragraph.

Appendix 3:

Family Association – Councillor J H Whitehouse asked if we still had a supplementary waiting list. She was advised that we did, it assisted in letting difficult to let properties. This was another exception to the residency criteria.

AGREED: The officer's recommendation was agreed.

Employment in the District – this was another exception to the residency criteria.

AGREED: the officer's recommendation was agreed.

People who are needing to move to escape violence or harm – the committee noted that this came about through recent case law, and created another residency criteria exception.

AGREED: the officer's recommendation was agreed that an additional criteria be added at Band C to cover those with a reasonable preference.

People who are working or making a Community Contribution –

AGREED: the officer's recommendation was agreed.

RESOLVED:

- (1) That, the Communities Select Committee carried out a Review of the Housing Allocations Scheme and considered the suggested amendments to the Scheme set out at Appendix 1, 2 & 3 of the report. The items agreed are set out above;
- (2) That, the agreed amendments are incorporated into the draft Housing Allocations Scheme, and the Scheme be considered by an external Legal Advisor;
- (3) That any advice given by the external Legal Advisor be incorporated into the draft Scheme and a consultation exercise be undertaken, in accordance with Statutory Guidance, with all interested parties via the Council's Website, the Tenants and Leaseholders Panel, Registered Providers of Housing operating in the District, Local Councils and partner agencies with an interest in the Scheme;
- (4) That a report be submitted on the proposed revised Scheme to the February 2018 meeting of the Cabinet for consideration, with the revised scheme coming into force on 1 July 2018; and
- (5) That the next review of the Scheme be considered by the Committee following 3 years of operation, with the revised Scheme coming into force on 1 April 2022.

21. CORPORATE PLAN KEY ACTION PLAN 2017/18 - QUARTER 1 PROGRESS.

The Committee noted that the Corporate Plan was the Council's key strategic planning document, setting out its priorities over the five-year period from 2015/16 to 2019/20. The priorities or Corporate Aims were supported by Key Objectives, which provided a clear statement of the Council's overall intentions for these five years.

There were 50 actions in total for which progress updates for Q1 are as follows:

• Achieved or On-Target:	46 (92%)
• Under Control:	0 (0%)
• Behind Schedule:	3 (4%)
• Pending:	<u>1 (4%)</u>
Total	50 (100%)

20 actions fell within the areas of responsibility of the Communities Select Committee. At the end of Q1:

- 18 (50%) of these actions have been 'Achieved' or are 'On-Target'
- 0 (19%) of these actions are 'Under Control'
- 1 (31%) of these actions are 'Pending'
- 1 (0%) of these actions are 'Behind Schedule'

It was noted that for the delivery phase 1 of the council's Housebuilding Programme, to provide 23 new affordable rented homes there were 12 properties that were now occupied and the rest would be available at the end of September.

RESOLVED:

That the Committee reviewed the first quarter (Q1) progress of the Corporate Plan Key Action Plan for 2017/18 in relation to its areas of responsibility.

22. CORPORATE PLAN 2018 - 2023

The Committee noted that this new Corporate Plan will run from 2018 to 2023, and seeks to set out the journey the Council will take to transform the organisation to be 'Ready for the Future'. This plan seeks to link the key external drivers influencing Council services, with a set of corporate aims and objectives, grouped under three corporate ambitions.

The success of the new Corporate Plan will be assessed through the achievement of a set of benefits, focussed on what the Council achieves for customers. These benefits in turn are evidenced through a set of performance measures.

This new draft plan was at this meeting for the Select Committees to review its layout and ease of understanding. It had also gone or will be going to the other three Select Committees, the Overview and Scrutiny Committee, customers, partners, businesses and staff. This new Corporate Plan aspired to be written in a way that can be easily understood by customers.

RESOLVED:

Upon reviewing the benefit maps in appendix 2 the Committee thought that they were "too busy" to be easily followed and not easy to read. They would

like it simplified and perhaps broken down in smaller sections and put into plain English.

23. KEY PERFORMANCE INDICATORS 2017/18 - QUARTER 1 PERFORMANCE

The Committee noted that the Local Government Act 1999 requires that the Council make arrangements to secure continuous improvement in the way in which its functions and services were exercised, having regard to a combination of economy, efficiency and effectiveness.

As part of the duty to secure continuous improvement, a range of Key Performance Indicators (KPI) relevant to the Council's services and key objectives, were adopted each year by the Finance and Performance Management Cabinet Committee. Performance against the KPIs was monitored on a quarterly basis by Management Board and Overview and Scrutiny to drive improvement in performance and ensure corrective action is taken where necessary.

A range of thirty-two Key Performance Indicators (KPIs) for 2017/18 was adopted by the Finance and Performance Management Cabinet Committee in March 2017. The KPIs were important to the improvement of the Council's services and the achievement of its key objectives, and comprise a combination of some former statutory indicators and locally determined performance measures. The aim of the KPIs was to direct improvement effort towards services and the national priorities and local challenges arising from the social, economic and environmental context of the district, that are the focus of the key objectives.

The overall position for **all** 32 KPIs at the end of the Quarter 1 was as follows:

- (a) 27 (84%) indicators achieved first quarter target;
- (b) 5 (16%) indicators did not achieve first quarter target, although 1 (3%) of KPIs performed within the agreed tolerance for the indicator.

Communities Select Committee indicators - Nine of the Key Performance Indicators fall within the Communities Select Committee's areas of responsibility. The overall position with regard to the achievement of target performance at Q1 for these nine indicators was as follows:

- (a) 9 (100%) indicators achieved target;
- (b) 0 (0%) indicators did not achieve target, and
- (c) 0 (0%) of these KPI's performed within the agreed tolerance for the indicator
- (d) 9 (100%) of indicators are currently anticipated to achieve year-end target.

RESOLVED:

That the Communities Select Committee noted the first quarter performance of the Key Performance Indicators within its area of responsibility.

24. ATTENDANCE BY ESSEX POLICE DISTRICT COMMANDER

The Committee noted that the Essex Police District Commander would be attending their 7th November meeting.

They agreed that the meeting should be held in the Council Chamber and that it should be webcast as there would significant public interest. All members would be invited to attend and ask questions.

An item will be put in the Council Bulletin.

Members of the public wishing to ask questions should route them through their district representatives to be asked on their behalf on the night.

If members had any questions they should send it to Adrian Hendry in Democratic Services who would co-ordinate with Safer Communities and relay the questions to the District Commander before the meeting so that an answer could be prepared.

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

The Chairman would give a general feedback to the forthcoming Overview and Scrutiny Committee on this meeting's activities, highlighting the Housing Allocations Policy and the upcoming visit of the Police District Commander.

26. FUTURE MEETINGS

The Committee noted the dates of their future meetings.