



Overview and Scrutiny Committee

Thursday, 16th March, 2023

MINUTES

Present:

Councillor Bill Hartnett (Chair), Councillor Joanna Kane (Vice-Chair) and Councillors Salman Akbar, Imran Altaf, Tom Baker-Price, Michael Chalk, Brandon Clayton, Sid Khan and Timothy Pearman

Also Present:

Councillor Nyear Nazir (Deputy Leader and Portfolio Holder for Community Services and Regulatory Services)

Officers:

Sue Hanley, Judith Willis, Mark Cox (on Microsoft Teams), Jonathan Elger, Claire Jones, Helen Keightley, Simon Parry (on Microsoft Teams) and Chris Poole (on Microsoft Teams).

Democratic Services Officers:

Mat Sliwinski

106. APOLOGIES AND NAMED SUBSTITUTES

There were no apologies for absence.

107. DECLARATIONS OF INTEREST AND OF PARTY WHIP

There were no declarations of interest nor of any party whip.

108. PUBLIC SPEAKING

There were no members of the public who had registered to speak at this meeting.

109. ENHANCED AIR QUALITY MONITORING PROPOSAL - PRE-DECISION SCRUTINY

Chair

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[At the discretion of the Chairman, item 5 on the agenda – the Enhanced Air Quality Monitoring Proposal – Pre-Decision Scrutiny – was considered on the before item 4 – Housing Policies – Pre-Decision Scrutiny.]

The Committee was informed that the Department for Environment, Food and Rural Affairs (DEFRA) confirmed that Worcestershire Regulatory Services (WRS) had been successful in a County wide air quality grant application to cover a significant proportion of costs for enhanced air quality monitoring equipment across Worcestershire. As part of this, WRS had requested grant funding for two enhanced air quality monitors in Redditch, in locations that had yet to be determined.

Members were informed that 10 percent match funding for the installation and operation of the enhanced air quality monitors project would be required from each district council. It was therefore proposed that the Council provide £2,300 match funding, to be funded from Corporate Earmarked Reserves over the life of the project.

Officers explained the different techniques used to monitor levels of nitrogen oxide and other air pollutants. It was explained that the standard technique for monitoring nitrogen oxide emissions was through utilising passive diffusion tube monitoring techniques. However, across the Worcestershire more enhanced techniques had been trialled, including electrochemical gas measuring system, that were able to provide detailed air quality measurements in real-time. Part of this project was to begin investigating and investing in these new solutions.

Following the presentation, Members asked questions to which the following responses were provided:

- There were currently no Air Quality Management Areas (AQMA) declared in Redditch, which were areas where the local air quality was unlikely to meet the Government's national air quality objectives.
- There had not been much monitoring of particulate matter in the Borough, and there had been some concern around the air quality at older, terraced-housing streets. It was noted that no routine excess of pollution that would necessitate declaring AQMA had been currently identified in Redditch.
- It was explained that if issues with air quality were identified, there was a requirement on the Council to declare the AQMA in the areas affected.

- It was highlighted that part of the DEFRA project was about influencing behaviour change, for example with regards to such issues as school run traffic which was resulting in poor air quality around schools.
- There were to be 24 air quality monitors across the County providing pollution data in real-time. There was currently real-time air monitoring station data for some locations in the County, for example for Kidderminster-Stourport Road. The real-time data was available on the WRS website, under the air quality tab.
- The two air quality monitors to be installed in Redditch would be the new types of monitors utilising the more enhanced air monitoring techniques. The cost of these monitors (purchase plus operational costs for the project lifetime) would be £23,000, and, if agreed by the Council, Redditch would be required to contribute 10 per cent match funding, which amounted to £2,300.
- Officers assured Members that the air quality project was about working with people in the Borough to drive behavioural changes, such as using modes of public transport other than cars more often, and not about putting additional costs on people, particularly in more deprived areas of the Borough. It was noted that there were currently no plans for an introduction of a clean air zones or similar schemes in Redditch.

RECOMMENDED that

following successful outcome of air quality grant bid to Defra, that match funding totalling £2,300 be funded from Corporate Earmarked Reserves over the life of the project.

110. HOUSING POLICIES - PRE-DECISION SCRUTINY

The Committee received a detailed presentation on the Housing Policies that related to the management of the Council's housing stock, both in terms of tenancy and capital/repairs and maintenance management.

Members were informed that the Housing Policies had been reviewed and updated taking in to account the latest legislation and best practice. A review of the Council's Tenancy Management Policy (Appendix 1) had consequently led to a review of the Tenancy Agreement (Appendix 2). Members were advised that Appendix 3 to the report presented set out a comparison table of the old and new tenancy agreement.

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Members were further informed that the Executive Committee had in August 2020 delegated authority to Officers to update and implement those housing policies that were set out in government legislation and guidance and as such were non-discretionary. Those policies that had some discretionary elements to them were now to be considered by the Executive Committee on the 21st March 2023, and if approved, would be subject to a full tenant consultation exercise in accordance with legislative requirements. The policies that had some discretionary element and required Executive Committee endorsement and approval by the Council were as follows:

- Tenancy Management Policy (Appendix 1)
- Housing Revenue Management Policy (Appendix 4)
- Garage Policy (Appendix 5)
- Repairs and Maintenance Policy (Appendix 6)
- Rechargeable Repairs Policy (Appendix 7)
- Equipment and Adaptations Policy (Appendix 8)
- Voids Policy (Appendix 9)
- Temporary Accommodation Placement Policy (Appendix 10)
- Temporary Accommodation Charing Policy (Appendix 11).

Officers provided further details on the above Housing Policies.

It was explained that there would be consultations undertaken by writing to tenants regarding their views on the Tenancy Management Policy, and tenants could receive copies and respond online, or by post if a tenant had no internet access. With regards to consultation and comment on the new tenancy, as this was to be a new contractual document, the Council was obliged to send all tenants a physical copy of their new tenancy agreement to comment on.

It was explained that the Council would consult on the Tenancy Management Policy first; to be followed by the new tenancy consultation. Each consultation period was planned for six weeks, to allow time for feedback and the Council to respond. Once the second consultation on the new tenancy consultation, taking into account any feedback from tenants, a new tenancy agreement would be written and would be implemented, subject to the agreement of Members (by Full Council). It was anticipated this would be in August or September 2023.

Following the Officer presentation, Members commented on the Housing Policies and asked questions to which the following responses were provided:

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- **Introductory Tenancies** – Officers noted that being on an introductory tenancy did not affect the tenant’s credit rating and that an introductory tenancy changed to a secure tenancy, normally after a period of 12 months, subject to the tenant not breaching the terms of the tenancy. The introductory tenancy period could be extended by the Housing Authority.
- **Social Housing Rents** – It was explained that the Council had discretion over setting the rents charged to tenants housed in its own housing stock but the rents charges must be ‘reasonable’ and take into account Government guidance and the Rent Standard set by the Regulator for Social Housing.
- **Affordable Rents** – For tenancies subject to Affordable Rent terms, the Council set the rent charged by determining what the market rent was in the area for a similar type, size, location, and condition of the property and set a rent at 80% of that market rent. Officers noted that only a small number of tenancies in the Borough were subject to Affordable Rent terms.
- **Property Condition Inspections** – It was explained that the Council had a standard checklist used for inspections of the Council’s housing stock properties, applying consistent criteria to determining property condition. Officers noted that the target was for all properties to be inspected once per year, however, the time lag between inspections was greater in many cases at the moment.
- **Number of Tenants in Arrears** – Officers explained that exact figures on the number of tenants in arrears were currently unavailable as the Council had just implemented a new housing management system, which would also provide more accurate recording of this. However, Officers noted that there were around 2,000 arrear cases on the system which could be for any amount owed.
- **Tenants’ Rights** – It was explained that rights of tenants, including those in social housing, were set out in statute, for example in the Housing Acts 1988 and 2004. The tenancy agreement proposed by the Council would not alter tenants’ rights in any way but would provide a more clear explanation of those rights.
- **Main Types of Council-Tenant Disputes** – The main disputes related to tenant arrears and anti-social behaviour (mainly noise nuisance). Officers that disputes and cases of breaches of the tenancy agreement were examined in an equitable manner by the Council.
- **Energy Efficiency of Properties and Solar Panels** – Some Members commented that Overview and Scrutiny Committee

had proposed a number of additional recommendations to the Executive Committee among which was proposal for fitting solar panels to existing and new Council housing stock properties. These proposals were rejected, and it was asked whether this would affect the drive to improve energy efficiency. Officers explained that the use of more renewable energy sources and fitting of more efficient appliances to properties would be increasingly demanded by regulators.

- Cleaning of Communal Areas in Blocks of Flats – Officers noted that only in blocks of flats was there a cleaning service charge, and where such charge was taken, cleaning took place every two weeks. On some blocks of flats in Redditch cleaning took place more often. It was also noted it was the aim to undertake health and safety inspections of common areas in blocks every month, but it was challenging as there were 280 blocks across the Borough and only 10 Officers assigned to these checks.
- It was noted that the lack of cleanliness in communal areas in some blocks was a legacy of lack of historic health and safety inspections and Members commented that it was necessary for the Council to lead by example by undertaking regular inspections and cleaning in order for culture and behaviour change in terms of communal cleaning to be embedded.
- Members commented around the state of disrepair around Evesham Mews.
- Enforcement and Prosecution at Properties where Drug Use and Drug Dealing Were Taking Place – Officers explained that use and dealing of drugs was often not a problem in isolation but took place in a wider context such as mental health issues. The Council took a gradual and proportionate approach with prevention and challenge of drug-use behaviours in the first instance. Sanctions were available to the Council in severe cases, and it was noted over the last 12 months there had been 4 evictions for drug use and 1 closure order on property for drug dealing.
- Permission for Tenants to Operate Small Businesses from Home – It was requested that permission be sought from the Council in each case as sometimes such arrangements could cause nuisance to nearby residents/tenants. However, tenants were able to apply for permission and the Council considered each case on its merits.
- Possession of Property for Introductory Tenancies where Tenants in more than 8 Weeks Gross Rent Arrears – Officers reported that the Council had no cases of recovering possession in introductory tenancies over the last year.

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- Garage Management Policy including Garage Allocation – Officers reported that the Council acknowledged that many of the garages were not suitable for fitting modern cars and would often be used for other uses such as storage instead. This was reflected in the wording of the Garage Management Policy.
- Waiting List for Garages – It was noted that the waiting list for garages operated similarly to the Housing Register in terms of allocating garages when they became available. It was hoped that the new housing management system would improve the speed of processing application and allocating garages. Members were assured that Borough residents were prioritised for allocations of garages.
- Repairs and Maintenance Policy including Schedule of Repairs – Officers noted that the schedule of repair items included around 500 items and it was impractical to set all those in the Policy itself. It was noted that there was a move towards residents logging repair requests via the Council's repairs portal.
- Repairs Categories and Repair Response Times – It was noted that the Council had a legacy issue in terms of timely response to tenant repair requests but the new housing management system, including the repair reporting system, would enable the Council to record all requests accurately. From the new municipal year the Council would also introduce key performance indicators (KPIs) that were industry standard around repair timescales, and these would be reported to Committee Members on a regular basis.
- Calls to Council regarding Repair and Maintenance Requests – Officers reported that call data was analysed so that sufficient staff were available to answer calls in a timely manner. It was noted that an extra member of staff was used on Mondays and Fridays as these were days with a large volume of calls. It was noted that currently the average call waiting time was in excess of the performance target and the Council would be recruiting extra staff to bring call waiting times down.
- Recharge for Failed Appointments – It was noted that under the proposed Repairs and Maintenance Policy the Council reserved the right to take appropriate action including recharge where tenant failed to attend repair appointment and to enforce this in accordance with the Tenancy Agreement. Officers noted that currently there was no equivalent provision for the Council to compensate the tenant in case a council officer or contractor had failed to turn up for an agreed appointment. It was noted that a review of

Repairs and Maintenance Policy would be undertaken in April 2024.

- Qualifying Repairs – It was explained that qualifying repairs were those repairs detailed under the Right to Repairs Regulation where the Council had to comply with set timescales, for example as detailed under paragraphs 8.2.1 to 8.2.4 of the Council's Repairs and Maintenance Policy, in repairing defects that need urgent repair up to a value of £250.
- List of Rechargeable Repairs – Officers explained that some items, such as replacement of lost or stolen key fobs, were on the list to safeguard the Council against issues outside of its control.
- Tenants' Contribution to Major Adaptations – It was clarified that in relation to paragraphs 15.1 and 15.2 of Equipment and Adaptation Policy that first details of work over the maximum limit would be discussed with a tenant and tenants would not be expected to pay before the work had been scheduled to be undertaken. Some Members requested that paragraph 15.1 be rectified to that effect.
- Council Stock of Temporary Accommodation (TA) Units – Officers reported that currently the Council held around 50 TA units which had to be pooled directly from the main HRA Council Stock, which correspondingly reduced the amount of stock available for Council and Affordable Housing. It was noted that under the Homelessness Reduction Act 2017 there was a six-week limit on the use of Bed & Breakfast accommodation as people's temporary accommodation and an effort was made to reduce Council's reliance on this type of TA due to cost.
- It was noted that the Council was also investigating procuring temporary accommodation units from the private sector as it was a more viable alternative to Bed & Breakfast. The Council was involved with a number of campaigns to help those who were homeless or rough sleeping including the 'Lift to Work Scheme' with St Basils, and 'Blue Ribbon' initiative.
- It was planned that performance monitoring on Housing would commence on 1st April 2023 with the first set of key performance indicator (KPI) data to be available the following month.

The amendment to the recommendation as set out in the report was proposed by Councillor Hartnett and seconded by Councillor Kane for the Overview and Scrutiny Committee to scrutinise the Housing Policies again following the conclusion of the tenant consultation.

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With respect to the proposed amendment, it was clarified that it was within the scope of the Overview and Scrutiny Committee to request to scrutinise an item of Council business by agreeing to add the item to the Overview and Scrutiny Work Programme. As such the amendment was unnecessary. It was clarified that recommendation two of this Housing Policies report, if agreed by the Council, would result in Officers being granted delegated authority, following consultation with Portfolio Holder for Housing, to agree any revisions to the Housing Policies following the tenant consultation. This, however, did not preclude the Overview and Scrutiny Committee to scrutinise these Housing Policies following the tenant consultation.

Following this clarification, Councillor Hartnett agreed to withdraw the amendment.

Members subsequently agreed that an update in the new municipal year on the outcomes of the consultation process with respect to the Tenancy Management Agreement and Tenancy Management Policy be added to the Overview and Scrutiny Committee Work Programme for the municipal year 2023-24.

RECOMMENDED that:

- 1) The following Housing Policies be approved for adoption:**
 - (a) Tenancy Management Policy**
 - (b) Housing Revenue Management Policy**
 - (c) Garage Policy**
 - (d) Repairs and Maintenance Policy**
 - (e) Rechargeable Repairs Policy**
 - (f) Equipment and Adaptations Policy**
 - (g) Voids Policy**
 - (h) Temporary Accommodation Placement Policy**
 - (i) Temporary Accommodation Charging Policy.**

- 2) Delegated authority be given to the Head of Community and Housing Services and/or Head of Environmental and Housing Property, following consultation with the Portfolio Holder for Housing, to agree any revisions to the Housing Policies following the consultation and in line with any legislative or government guidance updates.**

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111. EXECUTIVE COMMITTEE MINUTES AND SCRUTINY OF THE EXECUTIVE COMMITTEE'S WORK PROGRAMME - SELECTING ITEMS FOR SCRUTINY

The Executive Work Programme was submitted for Members' consideration.

RESOLVED that

the contents of the Executive Committee's Work Programme be noted.

112. OVERVIEW AND SCRUTINY WORK PROGRAMME

The Committee requested an update be brought back in the new municipal year on the outcomes of the consultation process with respect to the Tenancy Management Agreement and Tenancy Management Policy. It was agreed that this would be added as an overview item to the Overview and Scrutiny Committee Work Programme for the municipal year 2023-24.

RESOLVED that

the Overview and Scrutiny Work Programme be updated as per pre-ambule above.

113. TASK GROUPS, SHORT SHARP REVIEWS AND WORKING GROUPS - UPDATE REPORTS

Councillor Kane provided an overview of the work undertaken by the Performance Scrutiny Working Group over the current municipal year and reported that five meetings of the Group took place in 2022-23 at which the following matters were discussed:

- 3rd August 2022 – The Working Group's Terms of Reference and an update on the new Corporate Performance Dashboard
- 29th September 2022 – Housing update on staffing and repairs helpline including Housing Enquiries, Complaints Procedure and information on turnaround times of abandoned houses (void properties). An update on the timeline of the new corporate dashboard was also provided at this meeting.
- 24th November 2022 – Updates on Skills Development - Local Needs, which related to upskilling strategies and initiatives in the Borough, and Energy and Advice Service Progress Quarterly Report were discussed at this meeting.

- 11th January 2023 – Local Environment (including landscaping and tree services), and the report considered at this meeting highlighted Tree Protection Orders (TPOs) and the Council's duty to protect trees under these orders, insurance claims in respect of trees, plans for the removal and planting of trees within the Borough, and management of biodiversity. The Working Group queried the response times for tree enquiries and the Group requested to receive bi-monthly updates on the work to tackle the backlog in response to those enquiries.
- 8th March 2023 – The Working Group discussed the Council's event and the Borough's arts offers and noted that there were two main events organised by the Council each year, the Green Fair and the Light Event. The Group was also updated on the arts offer and was informed that Reimagine Redditch, which was a partnership of Council and partner organisations, received just under £1m from Arts Council England to deliver projects to enhance creativity in the Borough.

Following the summary of the Performance Scrutiny Working Group's work in 2022-23, Councillor Kane reported that the Budget Scrutiny Working Group was due to meet for its last meeting of the municipal year on 4th April 2023.

RESOLVED

that the Task Groups, Short Sharp Reviews and Working Groups Update Reports be noted.

114. EXTERNAL SCRUTINY BODIES - UPDATE REPORTS

The Committee was advised that Councillor Chalk's written report from the most recent meeting of the Worcestershire Health Overview and Scrutiny Committee (HOSC) was tabled at this meeting.

Councillor Chalk reported that the most recent meetings of the West Midlands Combined Authority (WMCA) Overview and Scrutiny Committee and the HOSC took place on the same time and day (Monday 13th March) and as such a choice was made by Councillor Chalk to attend the meeting of HOSC.

It was reported that there were two more meetings of HOSC scheduled for this municipal year. Members were advised also that minutes of the meetings of WMCA Overview and Scrutiny

Committee would be available to consult on the WMCA website in due course.

Councillor Chalk reported that he had not received any invitations to meetings of the Greater Birmingham and Solihull Local Enterprise Partnership (GBSLEP) even though Councillor Chalk was the Council's representative on this body. It was requested that Officers investigate this issue with colleagues at the GBSLEP and that this omission be rectified for the next municipal year.

RESOLVED that

the External Scrutiny Bodies update be noted.

115. EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED that

Under S100 A (4) of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, the public be excluded from the meeting for the following matters on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12 of the said act, as amended.

Minute Item No. 116 – Minutes of the meeting of 2nd February 2023.

116. MINUTES OF THE MEETING OF 2ND FEBRUARY 2023

The minutes of the meeting of Overview and Scrutiny Committee on 2nd February 2023 were considered including the minutes record of the exempt session of that meeting (Minute Item No. 98 – Rubicon Leisure – Finance Overview (Exempt Report)).

RESOLVED that

the minutes of the Overview and Scrutiny Meeting held on Thursday 2nd February 2023 be approved as a true and correct record and signed by the Chair.

(During the consideration of this item, Members discussed matters that necessitated the disclosure of exempt information. It was therefore agreed to move to exclude the press and public prior to any debate on the grounds that information would be revealed

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which related to the financial and business affairs of any particular person (including the authority holding that information)).

The Meeting commenced at 6.30 pm
and closed at 8.24 pm