

## COMMUNITY & ADULT SERVICES SCRUTINY COMMITTEE

19 JULY 2017

Present: County Councillor McGarry(Chairperson)  
County Councillors Ahmed, Asghar Ali, Jenkins, Kelloway and  
Lent

### 1 : APPOINTMENT OF CHAIRPERSON AND COMMITTEE MEMBERSHIP

The Council at its meeting held on 25 May 2017 appointed Councillor Mary McGarry as Chair and the following Members to this Committee:

Councillor Ali Ahmed, Councillor Asghar Ali, Councillor Joe Carter, Councillor Susan Goddard, Councillor Shaun Jenkins, Councillor Kathryn Kelloway, Councillor Sue Lent.

### 2: TERMS OF REFERENCE

To scrutinise, measure and actively promote improvement in the Council's performance in the provision of services and compliance with Council policies, aims and objectives in the area of community and adult services, including:

- Public and Private Housing
- Disabled Facilities Grants
- Community Safety
- Neighbourhood Renewal and Communities First
- Advice & Benefits
- Consumer Protection
- Older Persons Strategy
- Adult Social Care
- Community Care Services
- Mental Health & Physical Impairment
- Commissioning Strategy
- Health Partnership

To assess the impact of partnerships with and resources and services provided by external organisations including the Welsh Government, joint local government services, Welsh Government Sponsored Public Bodies and quasi-departmental non-governmental bodies on the effectiveness of Council service delivery.

To report to an appropriate Cabinet or Council meeting on its findings and to make recommendations on measures which may enhance Council performance and service delivery in this area.

To be the Council's Crime and Disorder Committee as required by the Police and Justice Act 2006 and any re-enactment or modification thereof; and as full delegate of the Council to exercise all the powers and functions permitted under that Act.

### 3 : APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Carter and Goddard. Councillor Lent had advised that she would late attending due to a prior commitment.

### 4 : DECLARATIONS OF INTEREST

Councillor Asghar Ali declared a personal interest in items 6 & 7 as he is a landlord.

### 5 : MINUTES

The minutes of the meetings held on 13 February 2017 and 8 March 2017 were agreed as a correct record and signed by the Chairperson.

### 6 : HOUSING REVENUE ACCOUNT BUSINESS PLAN 2017-18

The Chairperson welcomed Councillor Lynda Thorne, Cabinet Member Housing and Communities; Sarah McGill, Director of Communities, Housing and Customer Services; Jane Thomas, Assistant Director Housing and Communities and Colin Blackmore, Building Improvement Manager to the meeting.

The Chairperson advised Members that this item was for pre-decision scrutiny; scrutinising a report to Cabinet, to be considered at their meeting on 27 July 2017. The scope of the scrutiny was to look at the financial assumptions in the proposed business plan to check that they are sound and to look at how resources in the HRA are to be used, both to maintain council housing and to deliver new council housing.

The Chairperson invited the Cabinet Member to make a statement in which she thanked Committee for the opportunity to make a brief statement about the plans and aspirations for housing and communities in Cardiff.

The Cabinet Member added that Housing is at the heart of a community's well-being stating she was committed to ensuring the delivery of high quality, sustainable and affordable homes, particularly for those in most need.

The HRA Business Plan communicates how Cardiff will deliver on these objectives and highlights many exciting projects that are planned over the next few years.

Councillor Thorne added that she was especially excited about the progress made in meeting challenging targets for new build housing and the continued dedication of housing staff in ensuring existing tenants continue to live independently in their homes.

Colin Blackmore Building Improvement Manager outlined a presentation on the Housing Revenue Account Business Plan 2017-18 after which the Chairperson invited questions and comments from Members:

- Members sought clarification on where the planning contribution monies were spent and were advised that it generally was S106 monies; there could be either on or off site contributions; on site went to Housing Associations and off site was used to subsidise new builds.

- Members complimented officers on the report and the work that had been done on Loudon Square which had already seen anti-social behaviour reduce.
- Members were happy to see more social housing proposed and asked in what areas this would be built. The Cabinet Member stated that it would depend where land was available; there were some sites in HRA ownership. The Cabinet Member informed Members that she had visited Ladywell in London and seen timber frame factory assembled housing, which could be used as temporary or permanent housing and could be moved three times. It was considered that this could be an option for Cardiff to have as temporary housing on Cardiff Living land, which was not going to be developed for a few years. There was more research to be done but the Cabinet Member was hoping to propose this as a pilot which the Welsh Government would fund in order to speed up the process of providing more social housing.
- Members noted that Cardiff Living would have 60% of properties that were not affordable and asked why this was. Officers explained that some sites in the scheme would not have been developed on, by combining sites development could be across the piece, with some for sale by the developer and some for the Council, some of which would be affordable housing. This would also enable a mix of private and social housing communities.
- Members asked whether retrospectively lessons had been learnt about large social housing estates. Officers stated that the number of social housing units has not grown since 1981, whereas the population has grown hugely and there had been a combination of concentration of need and increase in demand. It was considered that a mix of private and social housing communities would always now be used.
- Members noted that one of the Cabinet report recommendations was to appropriate General Fund land. Members asked how the market value would be decided and how would it be decided what is pulled out of the General Fund into the HRA. Officers explained that the valuation would be undertaken by the Council's own valuers, it must be of market value or enhance the wellbeing of the city. Where the Council considers selling land, it is considered for the use for housing development before being put on the market. It also has to be considered if it adds to affordable housing stock in the city before being sold; so there are extra steps in the process.
- Members asked for the definition of affordable housing. Officers explained that all the Council's would be social housing rents or affordable market sales for affordable home ownership. It was based on Local Housing Allowance levels as it would need to be covered by Housing Benefit. With regard to rent setting policy, the rent for a one bed room flat would be the same across the board unless there were extras included such as maintenance charges.
- Members referred to sprinklers and noted there was no mention of them in the report; Members asked if the new properties would be built with sprinklers and whether the Council would consider retro fitting sprinklers into blocks of flats, hubs etc. Officers stated that they would be fitted in new builds, and they were considering retro fitting in the high-rise blocks of flats at the moment. They weren't considering low rise flats at the moment and hubs were considered

less of a risk as people don't sleep in them, they have full alarm systems, and are not high rise, although it wouldn't be ruled out.

- Members stated that when the Council bought out of the HRA subsidy system they were told the Council would be £2m better off and asked if this was reflected in the figures in the report. Officers explained that the buy out had provided close to £3m of additional income to the HRA that had been factored in for the year going forward. £2m had been set aside to buy back properties.
- Members asked how the Council considered the split between economics and quality of life when they are proposing new developments. Officers explained that there was a viability test undertaken; all homes were built above quality and were larger than required. What people wanted and the quality of that was considered against the payback terms of the borrowing.
- With regards to financial modelling, Members noted that there were assumptions made in year 7, then figures increased significantly and asked why this was. Officers explained that Universal Credit would have an impact at some point; officers are working on budgeting with tenants in the hubs but they had to be prepared for bad debt. Officers also stated that with the rent policy going forward they had to anticipate the unforeseen in accounting. Officers were confident that the assumptions were robust and prudent.

AGREED – That the Chairperson on behalf of the Committee writes to the Cabinet Member conveying the observations of the Committee when discussing the way forward.

## 7 : SINGLE LICENSING AUTHORITY ENFORCEMENT POLICY

The Chairperson invited Councillor Lynda Thorne, Cabinet Member Housing and Communities; Sarah McGill, Director of Communities, Housing and Customer Services; Isabelle Bignall, Assistant Director Communities, Housing and Customer Services and Angharad Thomas, Group Leader Rent Smart Wales to the meeting.

The Chairperson advised Members that this item was pre-decision scrutiny of a report, to be considered by the Cabinet on 27 July 2017. The scope of the scrutiny was to explore the proposed recommendations including the proposed enforcement policy and check whether there are any risks to the Council.

The Chairperson invited the Cabinet Member to make a statement in which she thanked Committee for the opportunity to discuss Rent Smart Wales.

She added that Cardiff Council was pleased to have been designated the Single Licensing Authority for Wales and has been implementing the scheme now for 18months. During that time almost 80,000 landlords and 164,000 properties have been registered. This was a significant achievement and exceeded stated Welsh Government expectations.

Cardiff was already seeing the benefits of having this central database of landlords and agents in place. For example, it had allowed Cardiff to take an active part in supporting Welsh Government to distribute fire safety messages following the Grenfell Tower tragedy and by working with the Rent Officer Service, having a direct

impact on the number of landlords prepared to supply data to inform policy decisions such as rent allowance levels.

In summary, The Housing (Wales) Act 2014 introduced a mandatory registration scheme for private landlords and a requirement for private landlords and letting agents to be licensed if they let or manage properties.

To secure high compliance levels with Rent Smart Wales it was essential to have in place a framework which provides transparency about the enforcement approach adopted by Rent Smart Wales (Cardiff) and the 22 Local Authorities that Cardiff work in partnership with.

It was noted that the policy appended to the report had been the subject of consultation with stakeholders and the 22 Local Authorities. Comments received from the consultation had led to simplification of the final document.

The Chairperson thanked Councillor Thorne for her statement and invited questions and comments on the report from Members:

- Members noted that in the Rent Smart Wales Enforcement Policy it stated that 'it is expected that local authorities will apply this policy in their delivery of Rent Smart Wales activities, however, there may on occasion, be a conflict with their own local enforcement policy. Where this is the case, the local authority policy will take precedence.' Members sought clarification on this and were advised that each local authority has a local enforcement policy which is tailored to them, the Rent Smart Wales Enforcement Policy wouldn't be superseded by for example enforcement over Health and Safety. All local authorities have seen and approved the policy.
- Members noted that being designated the Single Licensing Authority for Wales was cost neutral and asked what benefit there was to Cardiff being the host authority. Officers stated that there were huge benefits morally and it also enabled Cardiff to have more staff. While it was cost neutral it did provide contributions with regard to payroll and HR. The Cabinet Member added that as Cardiff has the highest number of private landlords it was right that it has the responsibility for the scheme.
- Members noted that there would be some landlords who did not register and asked how this would be addressed. Officers explained that as landlords it was their responsibility to be up to date with legislation; in some rural areas this required increased marketing to improve awareness. Those who chose not to comply were bound by the Memorandum of Understanding which had been agreed by the 22 LA's. Information on these would be obtained by data cleansing, working with organisations such as shelter and looking at complaints received from tenants. It was also important that Councillors are aware as they will see tenants complaining in ward surgeries about landlords. People can check on the website to see if their landlord/property is registered. When the Council is aware of non-compliance, the recompense has to be reasonable and proportionate. If it is an individual landlord then they would be warned once then fined; if it's a large agency that would be well aware of the legislation then they would be fined straight away.

- Members asked what landlords that live abroad need to do and were advised that they have to register themselves then they can state the property is managed by letting agents so they wouldn't have to complete the training aspect of the scheme.
- Members asked if marketing costs came out of the fees and were advised that some are from the initial set up costs and some from each local authority.
- Members asked if there was any burden on the Council as staff are moved to work on the scheme. Officers conceded that they have lost some good staff the Rent Smart Wales scheme but they have also taken some people too and there were good opportunities to be had for staff.

AGREED – That the Chairperson on behalf of the Committee writes to the Cabinet Member conveying the observations of the Committee when discussing the way forward.

## 8 : WORK PROGRAMMING REPORT

Members were advised that the Constitution states that each Scrutiny Committee will set its own work programme for the forthcoming year (Scrutiny Procedure Rule 7). The Committee was tasked with constructing a work programme for the year ahead that ensured the time available to the Committee was used most effectively, by considering items that maximise the impact of scrutiny in a timely fashion.

The first stage was to identify potential work programme items for consideration and prioritisation by Committee Members by:

- seeking suggestions from Members and officers;
- reviewing the items recommended by the previous Committee;
- reviewing corporate documents, forthcoming legislation, the work programmes of relevant auditors, inspectors and regulators and partnership, consortia and regional documents; and
- checking other relevant documentation to identify areas within the terms of reference for the Committee.

Following the preparation of a list of potential items, Committee Members would need to prioritise the items, given the range of subject areas covered by the Committee and the limited resources available. Normally, Members prioritise items where scrutiny can have most impact, that are of importance to the public, that will help to deliver improved performance and that are not being investigated by other routes. This ensures that the time and resources available to the Committee are most effectively used.

In previous years, Members have held a work-programming forum to consider and prioritise items. The forum's proposals were then presented to Committee for formal approval of the work programme. Following consultation with Committee Members, it was proposed that this approach be taken this year.

Members were advised that they would be sent a list of potential items/topics on 4 August, (along with officer advice on how best to choose priorities) which they would then discuss and prioritise at the work programming forum scheduled for 7

August; this work programme would then be formally approved at the September Scrutiny Committee meeting.

RESOLVED to: Discuss and agree the approach to developing the Committee's work programme for 2017-18, so that a final version of the programme can be brought back to the Committee in September 2017 for formal approval.

9 : DATE OF NEXT MEETING

Wednesday 6 September 2017 at 4.30pm

***This document is available in Welsh / Mae'r ddogfen hon ar gael yn Gymraeg***