

COMMUNITY & ADULT SERVICES SCRUTINY COMMITTEE

7 OCTOBER 2015

Present: County Councillor McGarry(Chairperson)
County Councillors Ali Ahmed, Carter, Chris Davis, Lomax and Sanders

30 : APOLOGIES FOR ABSENCE

No apologies for absence were received.

31 : DECLARATIONS OF INTEREST

Declarations of interest were received from:

Councillor Sanders – Item 4 – Street Homelessness in Cardiff – Councillor Sanders is an employee of a charity working with the homeless and does voluntary work with Street Pastors. Both organisations are partner services providing support to rough sleepers.

32 : MINUTES

The minutes of the meetings held on 16 September 2015 were agreed as a correct record and signed by the Chairperson.

33 : STREET HOMELESSNESS IN CARDIFF

The Chairperson welcomed Councillor Susan Elsmore, Cabinet Member for Health, Housing and Wellbeing, Sarah McGill (Director, Communities, Housing and Customer Services), Jane Thomas (Assistant Director, Communities and Housing), Kate Hustler (OM Assessment and Support), and Ian Ephraim (Supported Accommodation & Outreach Manager).

The following people also attended to give evidence to the Committee:

Chief Inspector Daniel Howe (South Wales Police)
Inspector Neil Jones (South Wales Police)
Kate Burke (Salvation Army)
Emma Paynter (Salvation Army)
Richard Edwards (The Huggard Centre)
Antony Kendall (The Wallich)

The OM (Assessment and Support) gave a presentation, following which the Chairperson invited questions. During questioning from Members, the Committee was advised of the following:

- There is a lot of provision for homeless people in the city. Research shows that Cardiff is one of the last local authorities to have an 'open door' policy.
- There is concern that the number of homeless people has increased due to the arrival of people from the European Economic Area (EEAs).

- The Huggard Centre has carried out research and the results show that In Cardiff about one third of homeless people have grown up in the care of local authorities. Last year Huggard dealt with 198 people who had grown up in care. Huggard works with the Leaving Care team.
- There is more demand in winter. Huggard and other providers offer more space to accommodate homeless people at that time.
- Newport Council has carried out a public consultation in relation to proposals to introduce a Public Space Protection Order, which would allow the council to ban rough sleeping in the city centre. If implemented, this could have a knock-on effect for Cardiff as homeless people from Newport could come to Cardiff to avoid the penalties that could be imposed on them for rough sleeping. Councillor Elsmore reassured the Committee that the Council has no plans to introduce such penalties. The city is seen as an exemplar of service provision for the homeless and she wants it to stay that way.
- The issues that are faced have changed over time; the demographic has got younger and needs have become more complex. Huggard has a range of approaches to dealing with these needs. In addressing the problem of homelessness it is important to look at the issues around the complex lives that rough sleepers have. For example, rough sleepers have no postal address and this can cause a number of difficulties for them. Huggard provides them with a postal address. There are also issues around street culture and activities; begging; survival shoplifting; and street-based sex work. In order to address these issues Huggard looks at the income of rough sleepers, to make sure that they are receiving all the benefits they are entitled to. Street-drinking is a problem, so Huggard offers a place where the homeless can drink but can also be monitored so that they are safe and can be encouraged to engage with services. Huggard sees between six and fifteen chronic street-drinkers per week. Heroin abuse is a big problem and Huggard provides a needle exchange service. There are several drug overdoses per month at Huggard and the centre has staff that are trained to deal with them so that those who have overdosed can survive until an ambulance arrives. Huggard does a lot of work with EEAs and has accommodated 63 in the last 12 months, and given support for EEAs to contact their consulates and sometimes return to their home countries. For the homeless all of these issues create a real barrier to finding accommodation and they have to be addressed. It is not enough just to signpost people to services.
- The Salvation Army also provides the same range of services as The Huggard and offers services 24/7.
- The team at The Wallich encourages rough-sleepers to engage with services and works with those homeless people who have become entrenched in their situation. The Wallich works to identify suitable housing options and feeds information back to the local authority to inform policy.
- The area in which the Housing Options centre is situated is seen by some who are homeless and vulnerable as threatening and so they will not go there,

fearing that they may get drawn back into problems and/or drug abuse. A solution might be to provide an assessment centre in a different area. The OM advised the Committee that housing advice is now also provided at the various hubs in the city.

- The local authority is doing a lot of work with Children's Services to look at the needs of young people. Basement 55 offers a joined up service between Housing and Children's Services.
- Substance misuse, mental health issues and domestic violence all create support needs for the homeless. The Bus Project is a service that is accessed by a lot of people for a variety of reasons. Not all are homeless. Some are struggling with their tenancies and the project offers help in the hope of making sure that they do not lose their tenancies.
- The police encounter problems caused by homeless people involved in substance misuse and by some who have recently come out of prison. The police provide officers at the 'soup run' in order to deal with any problems that arise there. Street begging, especially on event days, is a big problem and there is a problem in relation to the exploitation of women on the streets. The police offer support and understanding to the homeless. Overall, the police have seen an increase in homelessness, a rise in anti-social behaviour and the start of organised begging, all of which the police are committed to tackling.
- The local authority has checked and according to the data it has there are no ex-service personnel amongst the number of those who are homeless in Cardiff. The police also liaise with organisations that offer help to those who have left the services and are suffering from trauma-related problems.
- As well as offering advice on welfare, the local authority also gives homeless people advice on things like employment and CV writing. This is all part of the role of the support worker. Hostels provide advice on these things as well.
- Some hostels will accommodate homeless people who have dogs. Dogs can be very important to some people and some would rather refuse accommodation than give up their dog.
- The local authority can not be 100% sure that its data on the number of homeless people is accurate as some will not engage with services, but the figures from a Welsh Government survey tallied with local authority data so there is some confidence that they are accurate.
- With regard to the increase in the number of EEA nationals sleeping rough, the Council is working with the Salvation Army to develop a scheme that links with the Salvation Army's existing support network across Europe, so that rough sleepers who return home can be offered support in their home country.

The Cabinet Member informed the Committee that she has written to Leslie Griffiths, Minister for Communities and Tackling Poverty, as it seems that there may be further cuts to Supporting People funding. If these cuts go ahead they will have an impact and the Cabinet Member would like to discuss this with the Minister.

The Chairperson thanked the Cabinet Member, officers and other witnesses for attending the meeting, giving their presentations and statements and for answering Members questions.

AGREED – That the Chairperson writes on the Committee’s behalf to the Cabinet Member to convey their comments and observations.

34 : ADULT SERVICES MONTH 4 BUDGET MONITORING ITEM

The Chairperson welcomed Councillor Susan Elsmore, Cabinet Member for Health, Housing and Wellbeing, Sarah McGill (Director, Communities, Housing and Customer Services), Tony Young (Director of Social Services) and Amanda Phillips (Interim Assistant Director, Adult Services).

The Cabinet Member advised Members that the Committee has received reports on the budget a number of times in recent months and that she was pleased to be able to report that there has been a slight improvement. The underspend has reduced.

The Chairperson invited questions and comments from Members.

The Committee asked what planning there will be to achieve an improvement in the deficit position at a time when there are big issues faced around the Council’s budget and the need for a transformation in the way services are delivered. The Director advised the Committee that an undertaking has been given to return to the Committee with a further report in November and that that would be the best time to answer questions on specifics with regard to reshaping.

The Committee enquired about the position with regard to nursing home beds. The Committee was advised that this is a regional issue. There is a low level of competition and the increase in the price is starting to come through. The demand is increasing. There is no set fee system but a bids system instead. The local authority wants to engage with the provider market and this has been discussed by the Senior Management Team.

The Committee asked whether the Directorate is now on a good budget footing leaving aside the savings, or whether there are fundamental problems that still have to be addressed. The Committee was advised that there are problems finding savings but the operational budget is reasonably stable. There is a quarterly budget monitoring arrangement. The aim is to remodel effectively and coherently.

The Committee enquired about the aim to improve efficiencies in strategic commissioning, noting that the report indicates that savings of approximately £1.6 million (out of a target of approximately £1.9 million) are unlikely to be achieved. The Committee suggested that with such large sums to be saved the plans for achieving these savings should have been more robust. The Committee was advised that it has been acknowledged that more detailed planning is needed. The planning will be more robust and governance and savings proposals will be evidence-based.

The Chairperson thanked the Cabinet Member and officers for attending the meeting, giving their presentations and for answering Members questions.

AGREED – That the Chairperson writes on the Committee’s behalf to the Cabinet Member to convey their comments and observations.

35 : COMMITTEE BUSINESS REPORT

This report was presented by Angela Holt, Principal Scrutiny Officer.

At the Committee meeting on 16 September 2015 Members discussed how they wished to deal with future reports concerning committee business, such as correspondence reports and work programme reports. Members decided to combine these within an overarching Committee Business report. This would include a correspondence update schedule, detailing the areas of the Chair’s letters that required response and detailing the response that have been received.

Angela Holt invited comments and suggestions for amendments.

AGREED –

- 1) That the content of the letters contained in the appendices should be noted.
- 2) That the scope for the ‘How To Reduce Crime And Disorder In The Night Time Economy In A Time Of Austerity’ Inquiry be approved.

36 : CALL IN OF ADDITIONAL LICENSING SCHEME - CATHAYS WARD

The Cabinet Decision CAB/15/34 made on 17 September 2015, published on 21 September 2015 and with a proposed implementation date of 1 October 2015, resolved that:

‘the Cathays Community Ward be re-declared as an Additional Licensing area with effect from 1 January 2016 to run for a period of 5 years.’

The Council’s Constitution makes provision for a Call-In Procedure which provides that any non-Cabinet Member may call-in a decision of which notice has been given, by giving notice in writing to the Operational Manager of Scrutiny Services within the Call-In Period (within seven clear working days after publication of the decision).

Angela Holt, Principal Scrutiny Officer, explained the Call-In Procedure.

Under the Call-In Procedure, the relevant Scrutiny Committee may consider the called-in decision itself, or decide to refer the issue to the Council for Scrutiny if the matter was of general significance and importance to the Council as a whole. A Council meeting to consider this issue must take place within 10 clear working days of such a referral, unless otherwise agreed between the Leader and the Chairperson of the relevant Scrutiny Committee.

Members agreed to consider the call-in at this meeting rather than refer to Council. Cabinet Decision CAB/15/34 was called-in by Councillor Joseph Carter and the report gave the reasons for the call-in as follows:

- a) Insufficient stakeholder consultation

- b) Insufficient council consultation
- c) Changing legislative landscape

The Chairperson invited Councillor Carter to make a statement explaining his reasons for calling in this decision. The Committee noted these and they were as follows:

- The consultation on the proposal was rushed and inadequate.
- The Additional Licensing Scheme (ALS) has driven up housing standards but it doesn't mean that it is realistic to have another five-year scheme.
- 97 landlords responded to the consultation and 57% of these said they were not in favour of the scheme continuing.
- Only a very small number of students responded to the consultation, which took place when many students would have returned home after the end of their summer term.
- The Rent Smart Wales landlord registration and training scheme is also being introduced. This will mean that there will be two sets of regulations for landlords to either adhere to or face the imposition of fines. This might drive landlords out of the market and cause rents to rise.
- There is no mention of the Housing Act 2014 – surely this Act affects the legislative context for additional licensing.
- The Committee should have been allowed a pre-decision scrutiny.

The Chairperson welcomed, Councillor Dan De'Ath, Cabinet Member, Skills, Safety, Engagement and Democracy, Andrew Gregory, (City Operations Director), Will Lane, (Operational Manager, Neighbourhood Services, Regulatory), Bethan Jones, (Operational Manager, Rent Smart Wales) and Steve Tudball, (Housing Enforcement Manager).

The Chairperson invited Councillor De'Ath to make a statement.

Councillor De'Ath advised the Committee that ALS has made a real contribution to the standard of accommodation in Cathays and that is why it is important that it be allowed to continue. Over 2000 houses of multiple occupation (HMOs) have been registered. The Housing Act (2004) places a responsibility on the local authority to take reasonable steps to take on board the views of those who will be affected by regulation; it is hard to say that the local authority has not done this. Consultation has been carried out by letter, email and through the Citizen's Panel. All HMO properties and landlords have been contacted and the police have been consulted. The timing of the consultation should not be seen as a problem. It took place in July but students often stay over after the end of term. It was not unreasonable not to put the proposals before the Committee for pre-decision scrutiny. The Housing Act (Wales) 2014 refers to Rent Smart. Rent Smart and ALS are complementary schemes. It would be a backward step to reject ALS.

Officers advised the Committee that Rent Smart is a scheme that will operate across Wales and its purpose is different to that of ALS, which focuses on a particular part of the city. ALS is an important part of the local authority's overall strategy in relation to planning and development of student areas. It is an intensive scheme aimed at addressing the problems presented by HMOs. Another five years of the scheme is needed in order to complete the improvements that have already been brought about because of it.

The Chairperson invited questions from the Committee.

The Committee asked what led the Cabinet to decide that pre-decision scrutiny was not required in this case. Officers advised that an email from 2014 indicated that the Committee was content with the approach being taken in Plasnewydd and so less than twelve months later it was reasonable to assume that there was no need to take the proposal to the Committee.

Councillor Carter suggested that a lot had changed between the time of that email and now, such as the introduction of the Housing Act 2014, and asked officers what they saw as the purpose of fixed penalty fines. Officers responded by saying that under the Rent Smart scheme landlords will be required to register and to take training in order to get their licence. The licence will have conditions that they will have to comply with. If a lot of complaints are received about a landlord then that landlord could have their licence revoked. Licences could also be revoked if a landlord is convicted of certain criminal offences. Rent Smart will be in operation across Wales and sharing information with local authorities. This will assist them to deal with poor standards of rented accommodation. Fixed penalties can be used for registering and for failure to comply with certain provisions of the Housing Act (2004).

The Committee asked what the local authority had done on learning that 57% of the landlords that had responded to the consultation were not in favour of ALS. Officers advised the Committee that ALS is not popular with landlords, who may see it as a measure that does not really deal with poor landlords and yet penalises good ones. But although ALS may not be popular with landlords there are benefits for the general population and for tenants. The arguments around this have been explored many times before and looked at again as part of the response to the results of the consultation. The landlords' responses were addressed point by point for the report to Cabinet.

The Committee asked for an explanation of how ALS complements the Housing Act 2014. Officers advised the Committee that one of the aims of ALS is to deal with the risks to health that poor standards of accommodation might pose. Since about 1999 the local authority has worked pro-actively in the city, rather than responding ad hoc to complaints received. It has a responsibility to deal with the large numbers of HMOs in the city. It aspires to raise the standards of the city's housing stock so that it is of an acceptable standard. It is intensive work and it takes time. Rent Smart will not have a property by property, area by area approach like ALS does and it will not focus on things like environmental health and fire safety. Also, it will not have officers knocking on doors and following up work with tenants and landlords.

The Chairperson welcomed Councillors Clark and Weaver, Douglas Haig (Chair of the Cardiff Landlords' Forum) and Claire Blakeway (President of Cardiff Students' Union) and invited them to address the Committee.

Douglas Haig informed the Committee that the Landlords' Forum is there to educate and train landlords and to promote good practice. With only a small number of new properties being built in Cardiff recently, the private rental sector is very important. The consultation on ALS only ran for 23 working days. This was not an appropriate timescale in which to contact a sufficient number of people. It did not give enough time for a diverse group of landlords and tenants to give their responses and the tone of the consultation questions dictated its outcome. Five years should have been more than enough time for ALS to meet its objectives and so it should not need to be extended for a further five years. The real focus should be on why ALS has not yet achieved those goals. The responses of landlords appear to have been ignored. Re-establishing an ALS scheme is very different to introducing one for the first time. Training is the core to ensuring that landlords provide good quality accommodation. The Forum has proposed various ways in which things like frontage issues and waste collection problems might be tackled. It will not be easy explaining to landlords the various aspects of the various licensing schemes that will be running alongside each other. With a number of schemes in place there is likely to be a degree of confusion and duplication.

Claire Blakeway advised the Committee that many students do not stay on in their student accommodation after June, and if they do they are probably not inclined to want to discuss housing and respond to consultations. Also, there is a handover from old sabbatical officers to new sabbatical officers, who start in September. The local authority needs to give more thought to the timing of its consultations. She added that she is very supportive of ALS and was concerned that there might be a delay to the scheme.

Councillor Weaver repeated some of the concerns that had been expressed about the timing of the consultation. It can be hard to get responses from students but those working with students recognise the value of ALS. The benefits of ALS are very strong. It is totally property-focussed. It is a pro-active approach by the Council and benefits tenants, some of whom may not know who they can go to if there are problems with the quality of their accommodation or the behaviour of their landlord, and who might fear that they will lose their deposits if they report these problems. It would be appalling not to allow ALS to continue. The police support ALS. Rent Smart does not have the same focus. It is right that the Committee looks at ALS from time to time as part of its work programme.

Councillor Clark stated that the over-riding goal must be that tenants in Cathays have good quality accommodation, but she has been disappointed by the progress made by ALS. June and July was not a good time to carry out the consultation. Cardiff University is doing a lot to monitor the quality of student accommodation and there should have been more engagement with the university. A lot of consideration should be given to what has not gone well with ALS and this would warrant further scrutiny. There has to be clarity on how ALS fits in with the Housing Act (Wales) 2014.

The Chairperson invited Councillor De'Ath and officers to respond to the comments that had been made to the Committee. The Committee was advised that the Housing Act (2014) legislation has a different emphasis than ALS has. There are lessons to be learned from the timing of the consultation. The local authority does work closely with Cardiff University. The Welsh Government has indicated that ten years rather

than five is a more appropriate length of time to work on the improvement of properties within an area.

The Chairperson invited Councillor Carter to sum-up.

Councillor Carter stated that by hearing the evidence the Committee has had the opportunity to consider some of the issues and that has been useful. In his view the results of the consultation should have caused alarm bells to ring. The responses of landlords do not appear to have been taken into account and the response rate from students was very low. There is still a degree of confusion and muddle regarding the legislative landscape and the issue of fines and the revocation of licenses remains unclear. Councillor Carter stated that he felt that the local authority could achieve what is needed through regulations on environmental health and through Rent Smart.

The Chairperson thanked the Cabinet Member, officers and other witnesses for attending the meeting, giving their presentations and views and for answering Members questions.

During further discussion by the Committee the following points were made:

- The criticisms of the consultation did seem to be valid. There are important lessons to be learned from this.
- There should be a lot of partnership working between the local authority and students and landlords.
- It is important that the local authority takes some responsibility for the education of landlords.
- There appeared to be no benefit in referring the decision back to the Cabinet.

AGREED –

- 1) That Cabinet Decision CAB/15/34 should not be referred back to the Cabinet.
- 2) That the Chairperson writes on the Committee's behalf to the Cabinet Member to convey Members' comments and observations.

37 : DATE OF NEXT MEETING

The next meeting of the Community & Adult Services Scrutiny Committee is scheduled to take place on 4 November 2015 at 5.00pm in Committee Room 4 County Hall.

The meeting terminated at 8.15 pm