

COMMUNITY & ADULT SERVICES SCRUTINY COMMITTEE

7 DECEMBER 2016

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

43 : APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Ralph Cook and Julia Magill; Councillors Davis and Sanders had previously advised that they would be late arriving.

44 : DECLARATIONS OF INTEREST

Councillor Sanders declared a personal interest in Item 4 as she has a family member in receipt of domiciliary care via direct payments.

Councillor Ahmed declared a personal interest in Item 5 as he has a family member who owns property.

45 : MINUTES

The minutes of the meeting held on 2 November 2016 were agreed as a correct record and signed by the Chairperson.

46 : DIRECT PAYMENTS

The Chairperson welcomed Councillor Susan Elsmore Cabinet Member (Health, Housing and Wellbeing), Tony Young Director Social Services, Sarah McGill Director Communities Housing and Customer Services, Amanda Phillips Assistant Director Adult Services; and Denise Moriarty Strategic Lead Planning Officer Learning Disabilities (Cardiff & Vale) to the meeting.

The Chairperson invited the Cabinet Member to make a statement in which she reiterated the importance officers and herself place on Direct Payments to provide users with choice, control and independence over their lives; £6.7million was spent on direct payments, a project group had been established to look at new processes and models of delivery.

Members were provided with a presentation on Direct Payments and the Chairperson then invited questions and comments from Members;

- Members thanked officers for a very good presentation and noted that they appreciate stretched targets and being ambitious. Members asked about Direct Payment rates and whether they were comparable across Wales. Officers advised that the current rate was subject to the budget and when completed the information would be forwarded to Members; officers also noted that it was important to compare like with like and that what the agency is paid, is not what the PA is paid.

- Members asked how it could be ensured that during the tender process, service users keep the quality and consistency they are used to. Officers advised that they were working on support specifications and managed banking specific aspects currently, and that the evaluation of tenders would include a quality aspect. Officers further advised that there was a degree of duplication at the moment, and there was a clear understanding needed of roles direct payments can play in the preventative agenda overall. The evaluation process will include people who are in receipt of direct payments as their views are very important.
- Members noted that there was no information on domiciliary care providers current arrangements, especially the pick list that is available to those who have a PA; officers stated that, when it was discussed, it was clear that the support element was very important, the pick list is what someone may require under the support element and managed account element at different times, as they are different components.
- Members sought assurance that if an individual has care through an agency, the principles of the Direct Payments process is the same and were advised that yes it was, it was just which route it was chosen through, PA or Agency; users would be encouraged to have a PA. There was further work needed with the market regarding the agency rate as currently people have to top up.
- Members sought clarification on the retainer fee and asked what it pays for; officers explained that it's for the on-going ability of the service user to connect back with the provider whenever they need to. In the future, the components would be broken down and a fee placed next to each one; benchmarking has been undertaken and providers now publish their costs; an envelope cost exercise would be done too. Officers added that it was important in the specifications to be clear of the role of the Council, a robust contract management process needed to be in place.
- Regarding the costs being divided up, Members asked how the balance was struck between what the service user thinks they need and what the social worker thinks they need. Officers explained that there would be advice and support and the beginning of the process, choice/support provided, people were signposted and preventative measures were put in place as much as possible.
- Members considered the reference to the Council's employment seeking service being used to find PA's and asked how this would work in practice. Officers stated that the key is identifying it, use the Into Work programme to look at training, link to opportunities in the geographical area and use existing pathways. It was a way of growing our own workforce across the sector with safeguards in place and setting standards on qualifications and expectations.
- Members asked about the One Stop Shop and where it would sit; Officers advised that it would be accessed through Assessment in the Social Services Directorate.

- Members asked if the £200k saving would be achieved; officers stated it would be a challenge but they were clear about being prescriptive, paying for actuals rather than a set fee and hoping for greater value for money.
- Members asked for more information on the interim contract and were advised that this was needed to manage the change and provide consistency. The PA's won't change, the potential is for the support and managed banking to change; previous transitions have been successful, workshops have been held to engage and reassure service users and this has worked well; providing continuity and no detriment was key.
- Members asked for more information on rates; officers advised that they have looked at all authorities in Wales, their frameworks and criteria; they have also looked at growth, the national living wage and ensuring that rates are fair and equitable; finance are currently doing the financial modelling. The Cabinet Members added that lots of work had gone on and this would continue until we get it right.

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.

47 : PRIVATE RENTED SECTOR HOUSING

The Chairperson welcomed Councillor Bob Derbyshire Cabinet Member (Environment); Dave Holland Head of Regulatory and Supporting Services, Will Lane Operational Manager, Public Protection and Bethan Jones Operational Manager Rent Smart Wales to the meeting.

The Chairperson invited the Cabinet Member to make a statement in which he stated that there had been great challenges with Rent Smart Wales, it has been a steep learning curve and not all the answers have been found as yet.

The Chairperson invited questions and comments from Members;

- Members asked if there was a publically available list of who is licensed in each ward under the additional licensing scheme, including who has been reprimanded, that Councillors and residents can access. Officers explained that licence records are in the public domain and available on demand from the licence register, which is an excel document; for public interrogation; there is no list of prosecutions; however high profile prosecutions are publicised through the media. Officers further advised that Shared Services are planning to use its website to publish lists of prosecutions.
- Members asked that with rationalised staff, are officers able to deal with all the minor infringements; officers advised that there is a very large housing base, there are complaints of poor standards of repair etc., and properties have deteriorated from when they were licensed five years ago. Officers further stated that prosecution is a last resort and it means that they have failed in persuading people to come up to standard. Workloads are high and staff are dealing with issues outside the schemes across Cardiff. Officers have to

prioritise as the staffing base across the Shared Regulatory Services three local authorities areas is approximately 23% smaller than it was.

- With reference to the Residential Landlords Association Submission, Members asked if there were any figures to prove that we have better quality; officers explained that they still take enforcement action to bring back up to standard, this was needed to protect public health.
- Members asked regarding Rent Smart Wales, in relation to setting up the process and resources at the end of the process, whether there were adequate enforcement and penalties in place to improve and sustain standards. Officers stated that, as part of the introduction to the Rent Smart Wales scheme, the Welsh Government made money available so that the Shared Regulatory Service could promote the scheme. A financial model was done which intended to fully recover costs including enforcement, compliance etc. It was based on a lot of assumptions and therefore needs regular review. With regards to resources, the model gives an average but there will be increases and decreases in demand, there have been complaints about the services' inability to cope but currently with reduced demand it is coping well.
- Members were concerned that there would not be enough resources to follow through on compliance; officers stated that it was about providing the right resource when needed, the current focus was to get Landlords registered on the scheme now, this focus would change in the next few months.
- Members asked for an update on empty properties in the private sector. Officers had previously explained to Members that they had not transitioned this issue properly through the Shared Regulatory Service, meetings had now taken place and it had been agreed with the Director of Communities Housing and Customer Services that there would be a mail shot to the 150 premises on the list; there would be 20 properties brought back into use by the end of the year and there would be an improvement in the situation in 2017/18. A road map would be produced for Members with information on where to go when problems were identified. Officers have looked at roles, services, how they are delivered and how Members access information.
- Members referred to the Students Union submission and asked what work was being done with them around information, communication, ward councillor work etc. Officers advised that they work with them on wider issues of student integration; in fact Cardiff is an exemplar across the UK for its work with communications to students. There are specific issues with planning, planning officers, a reflection of potential demand and density of HMO's in particular areas. The Cabinet Member stated that there are Student Environment Champions; officers go door to door to ensure students know how to keep the area tidy etc. The University recognises the issues and has given the Council money to continue its work.
- Members asked what proportion of students rent HMO's; Officers didn't have the figures but noted that in Plasnewydd there were more non-student HMO's; Officers would provide this information to Members.

- Members noted the huge discrepancy between those who have completed the training and those that have registered and asked if training had not been completed could they still be registered. Officers explained that any landlord actively managing or letting a property needs a licence, to get the licence they will have had to have completed the training. There had been over 30k registrations in November; registrations once in place last 5 years. Those not licensed will be subjected to enforcement.
- Members asked how many applicants had been refused and were advised that 2 had been refused awaiting outcome from Housing Tribunal. The process was rigorous with lots of steps, such as self-declaration and checking against prosecution registers across the 22 Welsh Authorities.
- Members asked how those who are not registering would be found and action taken. The Cabinet Member stated that they had expected very few refusals as the issue lies further down the line when complaints happen; the threat of losing a licence, having done the training etc. Officers added that Local Authority partners such as housing benefit will be the eyes and ears for those not registered, and people would be investigated; all compliance would be looked at again in 5 years' time when renewals happen.
- With regards to enforcement, officers work with Local Authorities and are able to get data from partners such as housing benefit across Wales, this data can be manipulated to find landlords and also help with fraud, council tax etc.
- Members asked when tangible benefits of the scheme would be seen, and how benefits for tenants would be measured. Officers explained that Welsh Government would evaluate the project, a baseline report had been published a few weeks ago and there would be another in 2/3 years' time. Officers stated that measuring is more difficult, it could be argued that by publicising how to complain and what tenants' rights are may increase the complaints, especially initially. A key indicator of how well the private Rented Sector operates is the house condition survey; Welsh Government will undertake this in time and it is hoped that improved conditions are seen. With regards to outcomes and what they mean, it is about trying to tease out information, consequences of actions taken.

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.

48 : COMMITTEE BUSINESS

Members were advised that all correspondence was up to date; Members had been provided with copies of responses, also copies of notes from the Performance Panel, which was due to meet next on 12 December to consider the Month 6 budget monitoring report and the budget approach of Adult Social Services.

The Disabled Adaptation deep dive meeting had taken place and the notes were currently being written up.

Members discussed the work programme and agreed to move the proposed Regional Partnership Board item from January 2017 to March 2017 to enable pre-decision scrutiny of the Direct Payments Cabinet Report in January 2017.

RESOLVED: to note the report.

49 : DATE OF NEXT MEETING

The next meeting of the Community and Adult Services Scrutiny Committee is scheduled to take place on 18th January 2017 at 5.00pm in CR4, County Hall, Cardiff.