

## HOMES AND SAFE COMMUNITIES SCRUTINY COMMITTEE

Minutes of a remote meeting held on 15<sup>th</sup> September, 2021.

The Committee agenda is available [here](#).

The Meeting recording is available [here](#).

Present: Councillor A.M Collins (Chair); Councillor. J. Aviet (Vice); Councillors B.E. Brooks, C.A. Cave, S.M. Hanks, R. Nugent-Finn, A.C. Parker, S.D. Perkes and L.O. Rowlands.

Also present: Councillors N. Moore (Executive Leader and Cabinet Member for Performance and Resources), L. Burnett (Deputy Leader and Cabinet Member for Education and Regeneration), E. Williams (Cabinet Member for Legal, Regulatory and Planning Services) and C. Ireland (Citizens Advice Cardiff and Vale Representative).

### 340 ANNOUNCEMENT –

Prior to the commencement of the business of the Committee, the Chairman read the following statement: “May I remind everyone present that the meeting will be live streamed as well as recorded via the internet and this recording archived for future viewing”.

### 341 APOLOGIES FOR ABSENCE –

These were received from Councillor J.C. Bird and W. Davies, G. Doyle, A. Raybould and H. Smith (Tenant Working Group Representatives).

### 342 MINUTES –

RECOMMENDED – T H A T the minutes of the meeting held on 7<sup>th</sup> July, 2021 be approved as a correct record.

### 343 DECLARATIONS OF INTEREST –

Councillor J. Aviet declared an interest in Agenda Item 5 – Interim Report on the Development of the New Tenant and Leaseholder Engagement Strategy. The nature of her interest was that she was a Vale of Glamorgan Council tenant. This was a personal interest only and not prejudicial as per paragraph 18.3.3(b)(ii)(A) of the Constitution. Therefore, Councillor Aviet remained in the meeting during consideration of this item.

Councillor C.A. Cave declared an interest in Agenda Item 5 - Interim Report on the Development of the New Tenant and Leaseholder Engagement Strategy. The

nature of her interest was that she was a leaseholder. This was a personal interest only and not prejudicial as per paragraph 18.3.3(b)(ii)(A) of the Constitution. Therefore, Councillor Cave remained in the meeting during consideration of this item.

#### 344 ENFORCED SALE POLICY (REF) –

The reference from Cabinet on 19<sup>th</sup> July, 2021 was presented by the Council's Principal Regeneration Officer.

The Principal Regeneration Officer explained the issues faced by local communities around empty properties, which Members would be aware of, and the potential negative impacts that such properties could have within a local neighbourhood.

The traditional response to such empty properties, such as commercial buildings or private sector dwellings, was, as a last resort, to take enforcement action under the various items of legislation, such as the Town and Country Act, Building and Housing Acts. A Notice would be served to the owner and if they did not comply with the Notice then any charges on works undertaken would be charged on the property. However, this meant no clear outcome. The proposed Enforced Sale Policy changed that by providing an outcome which allowed the Council to recover any debts on works made and to effect a change of ownership.

The new policy had emerged from the inquiry undertaken by the Equality, Local Government and Communities Committee at the National Assembly for Wales, whose recommendations had been accepted by Welsh Government (WG). It was felt that the powers that already existed around empty buildings were adequate but what was needed was to increase the capacity and skills of local Councils to enforce the relevant powers. The WG had since rolled out the Empty Property Management Support Programme to Local Authorities, and the Vale of Glamorgan Council had subsequently worked closely with industry experts in order to build up officer skills and the capacity to use enforcement powers at their disposal more effectively.

The proposed Enforced Sale Policy was a result of this workstream and was based legally on the Law of Property Act 1925. This allowed for the Council, where works in default had been undertaken and the costs had not been paid by the owner, to create a charge and become a mortgagee with powers to enforce a sale. This would give the dual outcome of recovering the debt and change of ownership, thereby bringing the empty property back into beneficial use. This policy could be used in conjunction with the Council's Empty Homes Strategy, although with the caveat that this was to be used as an option of 'last resort' and under extreme circumstances, such as a property abandoned by an owner or where officers could not trace an owner. Although such properties negatively impacted the community, they were still relatively few in number.

Before this policy could be enforced, Council officers needed to consider if they were being reasonable and proportionate in applying this, as well as the financial viability of enforcement, such as existing charges and the need to get the land valued by a

suitably accredited surveyor (although land prices within the Vale of Glamorgan would normally mean this would not be such a great challenge as it was elsewhere).

The Principal Regeneration Officer outlined the strict criteria that officers would use to present as evidence in order to get approval to use the Enforced Sale Policy, including:

- The total debt owed to the Council must exceed £500;
- The debt must not be statute barred;
- The debt must be more than 2 months old to give a property owner adequate time to redeem it;
- The property must be vacant with no prospect of it becoming occupied in the next 6 months;
- The owner, if they could be traced, must have demonstrated non-compliance with legislation in relation to the property; and,
- No positive / acceptable response had been received to letters regarding the Enforced Sale.

The other benefit of this policy would be its potential as a deterrent to property owners who may otherwise leave their buildings to fall into disuse and neglect.

The method of sale of such properties would be considered on an individual basis, although generally speaking similar policies laid by other Councils tended to favour auctions as a means of sale.

Finally, regarding the Equality Impact Assessment, the conclusion was there being no indication that there was a negative protected characteristic issue associated with the proposed Enforced Sale Policy. There had to be a balanced view based on respecting the rights of the property owner against the general benefits and rights of neighbours and the surrounding community. The Principal Regeneration Officer added that a statement on the intended action of the Council in exercising its power of sale was considered to be proportionate in accordance with the Act should be included in the Statement of Reasons / Enforced Sale Instruction document seeking authorisation to pursue an Enforced Sale.

Following the Officer's presentation, the subsequent questions and comments were raised by the Committee:

- Regarding Councillor Parker's query on using a number of accredited surveyors in order to ensure as good a valuation as possible on any properties obtained under this policy, the Principal Regeneration Officer stated that this would be looked at on a case-by-case basis and all such options were open.
- Concerning the comments raised by Councillor Perkes welcoming the policy and its importance in getting buildings, particularly housing, back into use and the numbers of properties that this policy could apply to, the Principal Regeneration Officer explained that there were annually 800 empty private sector homes within the Vale. The number of that total that would qualify under the Enforced Sale Policy would be very small indeed and would constitute a mere handful. For commercial properties, there were

approximately 55-60 empty town centre properties with a similar small number again that could come under the remit of the policy.

- Councillor Brooks commended the policy and highlighted the work already carried out by officers to bring back residential and commercial properties into use at the top of Holton Road, Barry.
- The Deputy Leader and Cabinet Member for Education and Regeneration stressed that the policy, although a last resort, would be an important part of the Council's armoury to get empty buildings back into use within the Vale and remove such 'blights' from local neighbourhoods. Cross Council work had already resulted in 10% of empty private sector dwellings within the Vale being brought back into use (2020/21).
- The Executive Leader and Cabinet Member for Performance and Resources echoed the comments made above and urged the Committee to support the report's recommendations in order to build upon the successes already achieved by the Council.
- The Chair asked if the Council could look at purchasing such empty homes in order to add to the Council housing stock, due to the shortages of such housing within the public sector. The Head of Housing and Building Services replied that the Housing Team was already in discussions with the Empty Homes Officer on such matters, but it was sometimes difficult for the Council to purchase such properties, due to land values, the expectations of owners / potential sellers, as well as the potential viability / costs of renovating properties up to WHQS standards which may not be a good use of tenants' money. However, there had been some successes, and further avenues to explore, such as with private landlords, who purchased empty homes to turn into temporary accommodation for families and single persons, as well as the Housing Department having £1m available to purchase viable homes via auctions, etc. and now the potential to purchase on new build estates (in conjunction with WG).

Having considered the report, Scrutiny Committee subsequently

**RECOMMENDED – T H A T** the Enforced Sale Policy and Equality Impact Assessment be endorsed.

Reason for recommendation

Having regard to the contents of the report and discussions at the meeting.

**345 INTERIM REPORT ON THE DEVELOPMENT OF THE NEW TENANT AND LEASEHOLDER ENGAGEMENT STRATEGY (DEH) –**

The report, presented by the Head of Housing and Building Services and the Senior Neighbourhood Manager, updated Members on the development of a new Tenant and Leaseholder Engagement Strategy. It highlighted some emerging themes and aims and set out the next steps in terms of finalising the Strategy:

- This was an important, strategic piece of work for Housing (particularly the Neighbourhood Housing Service) and the wider Council;

- There had been extensive consultation with tenants in order to get feedback on services and areas that needed to be improved;
- Generally, services for tenants from the Council were performing well but a key area of improvement was greater listening to tenant views and acting upon these;
- The draft Strategy would be going to Cabinet and would then be referred back to Scrutiny for their consideration;
- The Engagement Strategy now encompassed both tenants and leaseholders as they were both key service users;
- An Equality Impact Assessment was currently being undertaken with the draft Strategy going to the GLAM and the Ethnic Minority Network(s) (EMN) as well as the Tenant Working Group for input;
- Tenants had been central to developing this Strategy and the draft Strategy had gone to the internal, cross-departmental Tenant and Leaseholder Working Group;
- The draft Strategy would also be put on the Council website for public consultation and further information shared online in order to encourage tenant participation;
- The Strategy would enable tenants and leaseholders to 'have their say' and shape and influence the services they used via the Council going forward;
- There had been a comprehensive review over the last 8 months of the tenant and leaseholder engagement work, looking at best practice from other bodies in order to be a 'listening' organisation. This had meant consultations both internally (via Housing staff looking at strengths and weaknesses, opportunities and threats from the previous Tenant Engagement Strategy) and externally via feedback from tenants such as through the bi-annual STAR Survey and surveying tenants within the engagement structure to see if they felt that they were able to influence services and to understand if digital participation was an option for them in light of the pandemic and the inability to meet face to face;
- A tenant profiling exercise was launched to contact all relevant households in order to check their details and contact preferences as well as finding out if they were aware of how they could be involved within tenant engagement structures; a recent survey suggested that only 32% out of 100 tenants surveyed were aware of this;
- The lessons from the Grenfell tragedy were also looked at, with the Strategy taking onboard that tenants and leaseholders needed to be heard;
- The subsequent vision for the Strategy involved creating a culture where the Council developed and maximised the opportunities for tenants and leaseholders to contribute towards creating a tenants' and leaseholders' centred service; this would be in conjunction with a culture fostered among housing staff in order to help enable this;
- The Strategy would include four themes:
  - To involve tenants and leaseholders to work to co-create and develop tenant and leaseholder centred services that were meaningful and offered value for money. Actions around this involved for example, the Council launching a cross departmental group in order to share ownership of this and a proposed launch of formal and informal opportunities for greater tenant participation backed up by a dedicated

- webpage on the Council website. The draft Strategy Action Plan involved internal staff cultural actions setting out their roles as well as those actions specifically for tenants;
- To invest in staff and financial resources to enable the development of tenant and leaseholder driven services, for example, providing training for staff to understand what tenant and leaseholder participation would look like and providing the Tenant Work Group with a fully costed budget for taking tenant / leaseholder participation forward;
  - To support tenants and leaseholders to help influence and shape current services, projects and initiatives from a service users' perspective and to help tenants and leaseholders realise their potential. For example, to develop a tenant led scrutiny model including service quality assessors and 'mystery shoppers'; using tenants to 'mystery shop' services with the most complaints or where tenants wanted more scrutiny. Also, producing an annual publication called 'You Said, We Did' detailing what tenants and leaseholders had told the Council and what actions / solutions had been taken by the Local Authority;
  - In addition to this, the overarching theme was for tenants and leaseholders to feel that their opinions were valued and listened to, with the Council operating in a continuous improvement manner, learning lessons by building in reviews and providing feedback to service users.
- Overall, the key drivers were to increase tenant satisfaction in areas such as listening and responding to tenant and leaseholder concerns and requests.

Following the Officers' presentation, the subsequent questions and comments were raised by the Committee:

- Councillor Nugent-Finn asked about the roles and budgets attached to this Strategy and if these would involve tenants in a model similar to the National Resident Scrutiny Panel, providing a 'critical friend' and scrutiny and involving a diverse number of tenants with the relevant skills in order to better represent their communities. The Senior Neighbourhood Manager stated that historically the Council had a budget for tenant participation but with no tenant scrutiny; the new Strategy would now be fully costed and would be monitored by tenants, residents and the internal working group from a value for money point of view. The Council worked closely with Tenant Participation Advisory Service (TPAS), ensuring that residents and tenants had access to training as part of their role in tenant participation. It was envisioned that tenants, residents and leaseholders would also work closely with Council staff as part of the Strategy in order to scrutinise the work undertaken by the Council as part of a tenant scrutiny service.
- Councillor Brooks asked when the Strategy would be implemented. The Senior Neighbourhood Manager stated that it was hoped for the Strategy to go to the next Cabinet meeting and receive approval then; some of the work around the internal working group and the website had already started. The Head of Housing and Building Services added that a formal statutory consultation had to be undertaken first, then Cabinet and referral on to Scrutiny with implementation hoping to be sometime in early 2022. Also,

tenants would ultimately choose for themselves which national or other bodies they wished to receive training and support from.

- Councillor Perkes asked how the Council could reach out and involve tenants and leaseholders not already engaged or 'hard to reach'. The Senior Neighbourhood Manager replied that there had been discussions internally with staff at all levels in order to encourage tenant and leaseholder engagement through any interactions they had with these as well as through volunteering and community development work. As part of the new Community Investment Strategy, a new model of engagement would be used which would involve further consultation with residents, tenants and leaseholders. The Head of Housing and Building Services added that there was no fixed view on how to engage with tenants, etc. in order for them to 'open up' and discuss Council services and this could be done both formally and informally, such as through the new Penarth 'Food Pod' and 'Fesitvale' through to the gardening activities at Crawshay Court as well as digital and virtual events. It was important that 'every contact counted' between residents and the Council.
- Finally, Councillor Nugent-Finn also stressed the importance of involving bodies such as Safer Vale too in order to engage with tenants and leaseholders.

Having considered the report, Scrutiny Committee subsequently

**RECOMMENDED – T H A T** the report highlighting the emerging themes from the review of Tenant and Leaseholder engagement and the draft aims and objectives proposed be noted.

#### Reason for recommendation

Having regard to the contents of the report and discussions at the meeting.

#### 346 ANNUAL DELIVERY PLAN MONITORING REPORT: QUARTER 1 PERFORMANCE 2021/22 (DEH)

The report was outlined by the Head of Housing and Building Services, the purpose of which was to present Quarter 1 (Q1) performance results for the period 1<sup>st</sup> April, 2021 to 30<sup>th</sup> June, 2021 in delivering the Annual Delivery Plan commitments as aligned to the Corporate Plan Well-being Objectives.

Positive progress had been made in delivering the in-year commitments in relation to the Annual Delivery Plan (2021/22). The performance had contributed to an overall GREEN status for the Plan at Q1.

All 4 Corporate Plan Well-being Objectives were attributed a Green performance status at Q1 to reflect the progress made to date. This was positive given the ongoing challenges arising from the pandemic.

97% (306 out of 315) of planned activities outlined in the Annual Delivery Plan had been attributed a Green performance reflecting the positive progress made during

the quarter, 1% (2) an amber status and 2% (7) of planned activities were attributed a Red status.

Of the 7 actions attributed a Red performance status during the quarter, 29% (2) were directly as a result of service reprioritisation measures undertaken in response to the impact of the ongoing COVID-19 pandemic. In relation to those areas, where appropriate, work was now recommencing as part of recovery plans and strategy. Progress in relation to Coronavirus recovery was being reported to Members as part of the appendices accompanying the performance report at Scrutiny Committee and focused on highlighting issues pertinent to the Committee's remit.

Of the 42 quarterly performance measures aligned to the Corporate Plan Well-being Objectives, data was reported for 34 measures where a performance status was applicable. 50% (17) measures were attributed a Green performance Status, 17% (6) Amber status and 33% (11), Red status.

In relation to the 11 measures attributed a Red performance status during the quarter, the impact of COVID-19 had contributed to 54% (6) missing target.

In relation to the planned activities within the remit of the Homes and Safe Communities Scrutiny Committee, 97% (36 out of 37) were attributed a Green performance status and 3% (1) Red status. Of the 7 quarterly measures reported, 29% (2) was attributed a Green performance status and 43% (3) Amber status, and 29% (2) Red status. In relation to the 2 measures attributed a Red status, the impact of COVID-19 had contributed to missing the target for 1 of the measures.

The Head of Housing and Building Services then went on to detail the Performance Exceptions under the Committee's remit:

- Regarding the implementation of Older Person Accommodation with Care, Care Ready and Support Strategy to meet the needs of older people, this was now 10% completed, with part of the delay due to a working group needing to be set up to design a specification, which had now been completed and tendering could now be progressed. Further progress could now be caught up with by Quarter 2;
- Concerning the percentage of domestic abuse victims that reported that they felt safer as a result of target hardening, it was disappointing to see a fall to 78% after seeing a 100% satisfaction rate previously. This equated to 3 unsatisfactory responses out of 25 properties 'target hardened'. 2 of those related to the work undertaken which would be revisited and resolved, with 1 relating to a tenant needing further reassurance by eventually moving property; and
- Relating to the number of new accessible / adapted homes delivered, so far 5 of these had been completed against a target of 10; it was anticipated that the overall target would be achieved by the end of the year.

Following the Officer's presentation, the subsequent questions and comments were raised by the Committee:



- Councillor Perkes wished to commend the Housing Department for the completion of the 11 houses at Court Road offering temporary / homeless accommodation, using modern methods of construction and asked if such methods would be used at future developments with the same contractors. The Head of Housing and Building Services explained that the residents at Court Road were extremely happy with the housing there and there had been internal discussions (including with the Cabinet) which had led to the urgent search for future sites, including former Council garage sites and other alternative land sites. Modern methods of construction would again be utilised but whether this would be through the same contractor would depend on them successfully going through a further tendering process. The Council was ramping up its building programme at sites such as in Barry and Penarth in conjunction with continuing to house 100 people in temporary accommodation.

Having considered the report, Scrutiny Committee subsequently

#### RECOMMENDED –

(1) T H A T the performance results and progress towards achieving the Annual Delivery Plan 2021/22 commitments as aligned to the Council's Corporate Plan Wellbeing Objectives within the remit of the Committee be noted.

(2) T H A T the remedial actions to be taken to address areas of under-performance and to tackle the key challenges identified within the remit of the Committee be noted.

(3) T H A T the progress being made through the Council's recovery strategy and the Directorate recovery plans in response to the ongoing Coronavirus pandemic be noted.

#### Reason for recommendations

(1-3) Having regard to the contents of the report and discussions at the meeting.