

BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK

CABINET SCRUTINY COMMITTEE

**Minutes of a Meeting of the Cabinet Scrutiny Committee
held on Wednesday 22nd May 2013 at 6pm
in the Committee Suite, King's Court, Chapel Street, King's Lynn.**

PRESENT:

Councillors C Joyce (Chairman)
D J Collis, J Collop, J Loveless (Vice-Chairman), A Lovett,
Mrs K Mellish, G Sandell and D Tyler (substitute)

Other Members Present:

Councillor N Daubney, Leader and Portfolio Holder for Resources
Councillor A Lawrence, Portfolio Holder for Community

Officers:

Steve Dougall, Senior Housing Officer (Allocations)
Debbie Gates, Executive Director
Duncan Hall, Strategic Housing & Community Safety Manager
Ray Harding, Chief Executive

Apologies for absence was received from Councillor T Manley and M Tilbury

CSC1: **APPOINTMENT OF CHAIRMAN**

RESOLVED: That Councillor C Joyce be appointed Chairman of the Cabinet Scrutiny Committee for the Municipal Year.

CSC2: **APPOINTMENT OF VICE-CHAIRMAN**

RESOLVED: That Councillor J Loveless be appointed Vice-Chairman of the Cabinet Scrutiny Committee for the Municipal Year.

CSC3: **MINUTES**

The Minutes of the meeting held on 17th April 2013 were agreed as a correct record and signed by the Chairman.

CSC4: **URGENT BUSINESS UNDER STANDING ORDER 7**

There was no urgent business to report.

CSC5: **DECLARATIONS OF INTEREST**

There were no declarations of interest.

CSC6: **MEMBERS PRESENT PURSUANT TO STANDING ORDER 34**

Councillor J Moriarty for Item CSC10: Social Housing Allocation Policy Review.

CSC7: **CHAIRMAN'S CORRESPONDENCE**

The Chairman had no correspondence to report.

CSC8: **RESPONSE TO PREVIOUS COMMITTEE RECOMMENDATIONS**

There were no previous Committee recommendations.

CSC9: **MATTERS CALLED-IN PURSUANT TO STANDING ORDER 12**

There were no matters called-in pursuant to Standing Order 12.

CSC10: **SOCIAL HOUSING ALLOCATION POLICY REVIEW**

Under Standing Order 34, Councillor Moriarty explained that he had concerns in relation to the criteria to qualify for what was deemed to be the establishment of a local connection, particularly for those residents who had only moved to a neighbouring borough but still retained local connections. He stated that this could potentially see some applicants being denied access to the appropriate allocation on the housing register. The Regeneration, Environment and Community Panel had also suggested that the number of new applicants from outside the Borough should be monitored and if there was a significant increase consideration should be given to extending the period of local connection. Councillor Moriarty also questioned to what degree the delegated authority to the Chief Executive in consultation with the Portfolio Holder to make minor amendments to the Policy would extend. In response, the Leader explained that Cabinet had given careful consideration to the policy stating that it was important to have some clear guidelines and not to dilute the policy which could leave it open to different interpretations. However, discretion and flexibility could be applied as and when appropriate. The Portfolio Holder, Councillor Lawrence also reiterated that it was important not to "water down" the policy and leave the Council open to challenge. He referred to 2.1.2 as outlined in the Cabinet report which stipulated that those applicants living outside the area of the Borough Council seeking family-type accommodation will not be admitted to the housing register if they have no local connection to the Borough, stating that it was important to "draw the line" at some point. Steve Dougall, Senior Housing Officer explained that there could be a number of different elements to each case in establishing what was deemed to be a local connection making it impossible to stipulate and outline each scenario in the policy.

Councillor Mrs Mellish explained that she had interpreted 2.1.2 differently stating that if applicants could demonstrate a local connection, they could be admitted to the housing register. In response to a request from the

Chairman for further clarification in relation to what was the qualifying period for the establishment of a local connection, the Leader explained the policy was aimed to protect the interests of local people and each case could differ. Ward Councillors could play a role in supporting and putting a case forward for residents as and when appropriate.

Councillor J Collop questioned as to exactly whom would make the decision as to whether a person had a local connection referring to the recommendation in the Cabinet report that delegated authority being given to the Chief Executive and Portfolio Holder to make minor amendments to the policy. The Leader explained that as with the majority of Council policies there was an element of discretion that could be applied and if necessary, the Chief Executive and Portfolio Holder would be consulted. Duncan Hall, Strategic Housing and Community Safety Manager also explained that further additional Government guidance was pending in relation to the issue of local connections and in order for the Council to be in a position to respond and make any necessary amendments to the policy, delegated authority had been given to the Chief Executive in consultation with the Portfolio Holder without having to go through a consultation process. He also explained that the Council's Homechoice Allocations Policy was subject to clear statutory guidance and it was not legally possible for any Member to be involved in determining individual cases. The Leader stated that he personally, would support any residents within his Ward if requested/required. Duncan Hall explained that Councillors, as with current practice, were entitled to support individual cases as and when appropriate, particularly if residents were vulnerable and unable to express themselves.

The Chief Executive explained that the number of new applicants from outside the Borough would be monitored closely and if it subsequently materialised that there were a significant number, consideration would be given to amending the Policy. Any such proposal however would be referred back to Members via the appropriate channels (i.e. Regeneration, Environment and Community Panel, then Cabinet).

Councillor J Collop stated that it was important for each case to be treated in a consistent manner and expressed concern that there was the potential for inconsistencies. The Portfolio Holder explained that each case would be considered on its individual merits and assessed accordingly with a clear protocol being followed. Individuals did also have a right to appeal against any decision. Duncan Hall further explained that decisions were made by two senior officers within the housing team who were very much aware of the impact of such decisions on individuals. He also reiterated that there was a right of an appeal.

Councillor D J Collis stated that it was important that local Ward Members were involved and if necessary, they should be informed if there was an issue concerning a resident within their Ward. He suggested that not all Councillors were as familiar with the policy as they should be and it was the responsibility of the Portfolio Holder to inform Ward Members of any relevant cases. Councillor Mrs Mellish stated that residents in her Ward

would contact her if they had concerns and required support and she would in turn to contact the relevant officer. Delegated authority had been granted to the Chief Executive and Portfolio Holder in relation to minor amendments to the actual policy not on decisions relating to individual cases. The Portfolio Holder also highlighted that data protection issues would also need to be considered in relation to individual cases. The Leader also stated that it was not the responsibility of the Portfolio Holder nor was it practical for him to inform each Councillor of cases within their Ward.

Councillor J Collop referred to Section 2.2 and 2.21 in the report which was in relation to the new "room rate" and questioned as to what the thinking was behind the measures. The Portfolio Holder explained that the measures were introduced by Central Government and therefore the Council were obliged to introduce them. They related to those residents who were under-occupying their social tenancy and as a part of the proposals, placed tenants who had two more bedrooms than they needed into the High Band in order to free up larger type properties as the demand for these were greater. Duncan Hall also explained that this was in line with the current West Norfolk Homechoice Policy and was aimed to give preference to those tenants who were under occupying their property and were affected by the changes in housing benefit to help ensure that they did not accrue rent arrears.

Councillor J Collop referred to the term "considered for Medium band" in 2.21 of the report and questioned what actual considerations would be taken into account, for example rent arrears. The Leader stated that it was the most appropriate term to use. The Chief Executive explained that the Government had introduced the proposals in order to make best use of the housing stock and to try and free up under occupied larger properties which were in greater demand. He acknowledged that there was the potential for some tenants, because of the changes in housing benefit, to get into financial difficulties and therefore appropriate support would be offered to them including helping them to relocate to a more appropriately sized property. Each case would be considered and judged on its own merit by senior officers in order to achieve the best solution for the individuals concerned.

Councillor D J Collis questioned how any discretionary payments would be determined and how long they would be applied for. Duncan Hall explained that a number of Councils had seen a considerable increase in discretionary housing benefit payments. A judgement would be made based on an affordability assessment, however any such payment was only aimed to be a short-term solution in order to help a tenant search and secure a more affordable property. The affordability assessment was carried out at the application stage but it was up to individuals to apply for assistance which would be paid for up to a six month period. As part of the assessment, consideration would also be given to any measures a tenant had made to address any financial difficulties and why any rent arrears may have been accrued.

Councillor Moriarty referred to the recommendation to delegate authority to the Chief Executive in consultation with the Portfolio Holder to make minor amendments to the Policy and stated that whilst he had high regard for the Chief Executive, it was the responsibility of Members to make any such amendments to policy and not for officers. He therefore suggested that it would be appropriate to be worded "the Portfolio Holder in consultation with the Chief Executive". The Leader stated that he welcomed the Chief Executive's judgement and it was consistent with other Council policies and the Council's Standing Orders. The Chief Executive clearly stated that he would not in any circumstances make any amendments to any Council policies without the agreement of the relevant Portfolio Holder. If for any reason, agreement could not be secured with the Portfolio Holder, a report would be prepared for consideration by the Cabinet. The Portfolio Holder explained that he liaised and worked closely with both the Chief Executive and relevant officers within the housing section to ensure that they discussed and he was informed of any relevant issues.

Councillor J Collop referred to the section of the report under Options Considered which stipulated that "Members had a wide discretion available to them in terms of the degree to which each of the proposals is introduced, for example, in terms of the time period of residence in the Borough" and suggested this was not in line with the recommendation to delegate authority to the Chief Executive in consultation with the Portfolio Holder. He stated that Members should be involved in any changes in policy and questioned what was considered to be "minor". The Leader explained that it was normal practice to give delegated powers to the Chief Executive and relevant Portfolio Holder to make minor amendments to any such policy which assisted in avoiding extra delays and ensured that the business of the Council proceeded. As with other policies, these could be challenged by any Member at Full Council.

Councillor Lovett questioned if in the case where an individual was subject to a change in housing benefit because they were under occupying a property, whether they were responsible to find a more suitable alternative property. The Portfolio Holder explained that it was not in the interest of the relevant landlord for tenants to accrue rent arrears and therefore, where possible, they would assist a tenant in finding a more suitable property. Duncan Hall further explained that it was the responsibility of the tenant to pay any rent and there was no obligation on Housing Associations to solve any financial problems that tenants may experience. However, the majority of Housing Associations (including Freebridge Housing Association) worked with individual tenants in identifying and contacting those that were impacted by the changes and offered support in trying to find them a more suitable alternative property or finding an alternative solution, for example, taking in a lodger. The policy was aimed to try and achieve a balance to deal with the changes including giving preference to those tenants that were under occupying their property. The Revenue and Benefits Team were working closely the Housing Options Team and the relevant Housing Associations to help achieve the best solution. It was important for any tenants who were experiencing difficulties to contact both the Council and the relevant Housing Association at the earliest opportunity.

The Chief Executive explained that it was for all local authorities to implement Government legislation and find solutions to any unforeseen consequences and if necessary, make any adjustments to the Council's policy to ensure it worked as effectively as possible.

The Chairman referred to Section 2.6.1 of the report that stipulated that "all those owed the full Homelessness duty should be permitted to bid for properties advertised by West Norfolk Homechoice" and questioned what was deemed to be "full homelessness duty" and whether the limit of 6 weeks in relation to a successful bid being made had changed as result of the amendments to the Policy. Duncan Hall explained that the legislation that covered homelessness was prescribed and the Council had no discretion in determining the local connection qualifying period, which was six months, for homeless persons. The six week period for a successful bid to made had not changed as a result of amendments to the proposal. It was confirmed that there were five tests to determine whether a person was considered to be homeless.

CSC11: **PORTFOLIO HOLDERS' DECISIONS MADE UNDER DELEGATED POWERS**

There were no Portfolio Holders' Decisions made under delegated powers to note.

CSC12: **DATE OF NEXT MEETING**

It was noted that the next meeting of the Cabinet Scrutiny Committee was scheduled to be held on Thursday 20th June 2013 at 6pm.

Meeting closed at 7.10pm