

**HOUSING MANAGEMENT ADVISORY BOARD
12TH MAY 2021**

PRESENT: The Chair (Edwardes)
The Vice Chair (Riley)
Councillors Radford, Seaton and Brennan
Board Members Ali and Davis

Head of Landlord Services
Landlord Services Manager
Democratic Services Officer (SW)
Democratic Services Officer (EB)

APOLOGIES: Board Member Wright, Deborah Bartlett,
Councillor Poland.

The Chair stated that the meeting would be recorded and the sound recording subsequently made available via the Council's website. She also advised that, under the Openness of Local Government Bodies Regulations 2014, other people may film, record, tweet or blog from this meeting, and the use of any such images or sound recordings was not under the Council's control.

41. MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting of the Board held on 24th March 2021 were confirmed as an accurate record.

42. DECLARATIONS OF INTEREST

No declarations of interest were made.

43. PETS POLICY

The Head of Landlord Services submitted a report presenting the Board with the Council's Draft Pets Policy (item 4 on the agenda).

The Landlord Services Manager attended the meeting to assist with the discussion of this item.

The Board were informed that agreed amendments had been made to the policy since the previous meeting. Some of these amendments had been requested at the previous meetings and others had been added due to issues that had arisen consequently.

In response to questions from the board it was explained that with regard to cats and dogs there was a limit of two pets per household. When exercising retrospective enforcement, a pragmatic approach would be taken, and unnecessary punitive action was not expected. If there was an excess of the rule, then a sensible approach would be taken and if the pets in question were not causing a nuisance then a heavy-handed approach would not be made.

Councillor Brennan raised concern that such a pragmatic approach was out of keeping with the fact that the policy was intended to provide a consistent approach.

The Head of Landlord Services suggested adding an information note to clarify that existing tenants with extra pets that were not causing problems would be allowed to keep them, however rules would need to be in place for new tenants.

RESOLVED

1. that the board note and commend the policy to cabinet subject to the below,
2. that in information note be added to the policy clarifying the rules for existing tenants with more than two cats or dogs, and
3. that Councillor Brennan's abstention on the resolution be noted.

Reasons

1. To acknowledge the Board's consideration of the policy.
2. To clarify the rules for existing tenants and to make the policy more consistent.
3. To acknowledge Councillor Brennan's reservations about the application of the policy to existing pet owners.

44. THE EFFECT OF THE CHANGE IN THE COUNCIL'S POLICY ON BULK WASTE COLLECTION ON COUNCIL DWELLINGS

The Head of Landlord Services submitted a report, deferred from the previous meeting, informing members on the effect in terms of cost and service change to tenants and the housing revenue account of the change in council policy on bulk waste (item 5 on the agenda).

The Landlord Services Manager attended the meeting to assist with the discussion of this item.

The Board were advised that:

- (i) Since the previous submission of the report, section 2.4 of the report had been added noting concern over potential distortion of statistics caused by the lockdown preventing people from going out to dispose of bulk waste.
- (ii) Officers were satisfied that the original data had compared like with like.
- (iii) Officers were happy to confirm the original findings that changing the policy has had no detrimental effect on Council tenants leaving bulky items to be picked up.

- (iv) There had been fewer collections and lower costs in the months succeeding the change in policy than in the months preceding it.

RESOLVED

1. that the report be noted, and
2. that in accordance with section 2.4 of the report, an updated report be added to the Work Plan to be brought to the Board in 6 months' time.

Reasons

1. To provide information to the Board to elicit any comments forthcoming from members.
2. To take account of the changing situation as and when Covid-19 related restrictions are lifted.

45. TENANCY POLICY

The Head of Landlord Services Submitted a report consulting the Board on the draft Tenancy Policy 2021-2025 (item 6 on the agenda).

The Board were advised that:

- (i) The Council had a statutory duty to set out:
 - The types of tenancy that could be granted.
 - The length of fixed term tenancies.
 - The Circumstances under which the Council would grant tenancies of a particular type.
- (ii) There had been no changes in discretionary succession rights.
- (iii) The needs of vulnerable household members were being met by providing a succession right.
- (iv) The policy supported a reduction in void loss and the costs associated with re-housing family members that did not come through occupied property.
- (v) The law provided for the Council to make the best use of stock, meaning that the council could take possession of a property that was, for example, under-occupied.
- (vi) Where there was no right to succession, the Council would provide housing options, advice and assistance.
- (vii) The new policy promoted the use of targeted fixed-term tenancies to prevent anti-social behaviour (ASB) whereby prospective tenants with a history of serious ASB would be offered a fixed-term tenancy of 2 years

commencing after the 12-month introductory tenancy period. The conduct of the tenant would then be reviewed and if satisfactory then a secure tenancy would be offered. A serious breach of the tenancy would lead to the tenancy ending.

- (viii) Prospective tenants of high demand properties (e.g. in need of 4 or more beds and/or wheelchair accessible properties) would be offered on a 10-year fixed-term tenancy in addition to the introductory tenancy period. If the property became under-occupied or the adaptation was no longer needed, the tenants would be supported to move, and the tenancy would not be renewed.
- (ix) Throughout the period of fixed-term tenancies, advice and support would be offered on the conduct of the tenancy and re-housing options as appropriate.
- (x) With regard to vulnerable households, when making a decision to re-issue a tenancy with the same address or offer alternative accommodation, each case would be considered on its own merits.

In response to questions from the Board it was explained that:

- (i) The Right to Buy would remain in place for houses with 4 or more bedrooms and for adapted stock that was in high demand and under-occupied.
- (ii) Tenants with a history of ASB transferring from another Local Authority would adopt the terms of Charnwood Borough Council on the first day of their tenancy with the Council.
- (iii) The reference to point 4.2 (ii) under point 8.5.2 on the report (page 15 for the report) should read 4.4 (ii).
- (iv) With regard to tenants with additional needs at the end of a fixed-term tenancy, it was clarified that provided there were no breaches of tenancy and if the need remained, then the Council would seek to grant a new tenancy at the same address. If the remaining household members did not need adaptations and if it was identified that the property was no longer required, the Council would encourage the household to move to alternative accommodation and they would look to match and allocate within council stock.

RESOLVED that the report be noted.

Reason

To acknowledge the Board's comments prior to its likely progression to Cabinet.

46. DRAFT NEW TENANCY AGREEMENT

The Head of Landlord Services submitted a report presenting the Board with the council's draft new tenancy agreement for its secure and introductory tenants. (Item 7 on the agenda).

The Landlord Services Manager attended the meeting to assist with the discussion of this item.

The Board were advised that:

- (i) The agreement defined the relationship between the landlord and tenant.
- (ii) It was good practice to revise the agreement regularly in line with changes in legislation and/or accepted good practice.
- (iii) The changes made to the agreement were aimed to try and rectify problems that had emerged when the existing agreement was in place.
- (iv) The changes proposed to the new agreement fell broadly into 2 categories. Firstly, changes regarding the format of the agreement to aid with navigation around it and make it more coherent. Secondly in terms of actual changes proposed to the agreement, including clauses that were not in the existing agreement as well as expanding and clarifying existing clauses.
- (v) Due to the fact that the new agreement was a contract and by definition needed to be legalistic, a simple guide had been written attempting to draw out the most important elements and providing a tool for people signing up new tenants.
- (vi) A format for people with learning difficulties would be produced as the document needed to be accessible.
- (vii) There was a rigorous consultation process set out in the Housing Act 1985 enabling the Council to apply the agreement retrospectively to existing tenants.

In response to questions from the Board it was explained that:

- (i) The breakdown of payments in section 2 included all possibilities for payments within the gross rent. In the case of some properties this may include water rates.
- (ii) With regard to service charges in section 3.7, the purpose was to give the landlord the ability to apply variable service charges if they wished to do so in the future. Currently service charges, where levied on tenants, were fixed whereas leaseholders had variable service charges levied: they were billed for charges expected to be incurred in the coming year and then, following an adjustment exercise once the actual costs were

known, invoiced for the actual cost of the services and then either charged or refunded as appropriate against the previous estimates. This way, leaseholders paid for the exact cost of the services provided.

- (iii) The bin storage maintenance charge included the cost of cleaning.
- (iv) Legally, if a schedule of potential service charges was not in the agreement, then such charges could not be made in the future.
- (v) The 'Sinking Funds' referred to money put aside for equipment and amenities that needed replacing in the future so that an additional charge did not have to be levied.
- (vi) There was no hidden intention for additional charges. There was a need to project the future of where circumstances might change, and provision for potential changes needed to be made. As such potential charges needed to be listed in the agreement.
- (vii) A reasonable approach needed to be taken in cases where Council tenants inherited another property. In some cases, it may not be reasonable for them to move, for example if the property was too far away from support networks.

The Chair clarified that Charnwood Borough Council was not responsible for the payment of pest control, this was the tenants' responsibility. She added that a Universal Credit financial officer could include this in an assisted living assessment and that there were also charities that could help to pay for this.

Actions:

1. Head of Landlord Services to make the word 'may' more prominent on point 3.7.4.
2. The word 'future' to be added to charges in Section 8.
3. The reference to Household Pets on page 23 of the agenda pack to be amended to show that it is in Section 6.16.

RESOLVED that the Board note and commend the policy to cabinet, subject to agreed amendments being made.

Reason

To acknowledge the Board's consideration of the policy.

47. QUESTIONS FROM MEMBERS OF THE BOARD

In accordance with the Board's decision at its meeting on 22nd March 2017 (HMAB Minute 24.1), members of the Board had been asked in advance of the agenda being

published whether they had any questions on matters within the remit of the Board that they wished to ask, for response at this meeting.

On this occasion no questions had been submitted.

48. WORK PROGRAMME

The Board received a report of the Head of Landlord Services to enable the Board to agree its Work Programme (item 9 on the agenda).

Members of the Board could identify matters that they considered required looking at over the next few meetings of the Board, including any already listed on the Work Programme but not yet scheduled. Officers present could provide advice as to whether items might be appropriately considered at the time proposed.

RESOLVED

1. That a review of the Cleaning Contract be added to the Board's Work Programme, and
2. That the Repair Guide be added to the Board's Work Programme, and
3. That the Service-provided Code of Conduct be added to the Board's Work Programme, and
4. That the Board's Work Programme be updated to reflect all decisions made above and earlier in the meeting.

Reasons

1-3. So that it can be considered by the Board.

4. To ensure that the information in the Work Programme is up to date.

49. EXEMPT INFORMATION

It was resolved that members of the public be excluded from the meeting during the consideration of the item on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972, and the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

At this point in the meeting the livestream was switched off.

50. FUTURE ARRANGEMENTS FOR THE DELIVERY OF PLANNED WORKS, VOIDS AND ASSOCIATED WORKS

An exempt Cabinet report of the Head of Landlord Services was considered (Exempt item 11 on the Agenda).

The Head of Landlord Services attended the meeting to assist with the consideration of this item.

A summary of the Board's discussion on this matter is provided in the exempt minute (Housing Management Advisory Board 50E. 2020/21).

NOTES:

1. No reference may be made to these minutes at the next meeting of Full Council unless notice to that effect is given to the Democratic Services Manager by five members of the Council by noon on the fifth working day following publication of these minutes.
2. These minutes are subject to confirmation as a correct record at the next meeting of the Housing Management Advisory Board.