

Thurrock - An ambitious and collaborative community which is proud of its heritage and excited by its diverse opportunities and future

Housing Overview and Scrutiny Committee

The meeting will be held at **7.00 pm** on **10 July 2018**

Committee Rooms 2 & 3, Civic Offices, New Road, Grays, Essex, RM17 6SL

Membership:

Councillors Gerard Rice (Chair), Luke Spillman (Vice-Chair), James Baker, Clare Baldwin, Andrew Jefferies and Joycelyn Redsell

Lynn Mansfield, Housing Tenant Representative

Substitutes:

Councillors John Allen, Steve Liddiard, Terry Piccolo, Jane Potheary and Pauline Tolson

Agenda

Open to Public and Press

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Queries regarding this Agenda or notification of apologies:

Please contact Tisha Sutcliffe, Democratic Services Officer by sending an email to Direct.Democracy@thurrock.gov.uk

Agenda published on: **2 July 2018**

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DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF

Breaching those parts identified as a pecuniary interest is potentially a criminal offence

Helpful Reminders for Members

- *Is your register of interests up to date?*
- *In particular have you declared to the Monitoring Officer all disclosable pecuniary interests?*
- *Have you checked the register to ensure that they have been recorded correctly?*

When should you declare an interest *at a meeting*?

- **What matters are being discussed at the meeting?** (including Council, Cabinet, Committees, Subs, Joint Committees and Joint Subs); or
- If you are a Cabinet Member making decisions other than in Cabinet **what matter is before you for single member decision?**



Does the business to be transacted at the meeting

- relate to; or
- likely to affect

any of your registered interests and in particular any of your Disclosable Pecuniary Interests?

Disclosable Pecuniary Interests shall include your interests or those of:

- your spouse or civil partner's
- a person you are living with as husband/ wife
- a person you are living with as if you were civil partners

where you are aware that this other person has the interest.

A detailed description of a disclosable pecuniary interest is included in the Members Code of Conduct at Chapter 7 of the Constitution. **Please seek advice from the Monitoring Officer about disclosable pecuniary interests.**

What is a Non-Pecuniary interest? – this is an interest which is not pecuniary (as defined) but is nonetheless so significant that a member of the public with knowledge of the relevant facts, would reasonably regard to be so significant that it would materially impact upon your judgement of the public interest.

Pecuniary

If the interest is not already in the register you must (unless the interest has been agreed by the Monitoring Officer to be sensitive) disclose the existence and nature of the interest to the meeting

If the Interest is not entered in the register and is not the subject of a pending notification you must within 28 days notify the Monitoring Officer of the interest for inclusion in the register

Unless you have received dispensation upon previous application from the Monitoring Officer, you must:

- Not participate or participate further in any discussion of the matter at a meeting;
- Not participate in any vote or further vote taken at the meeting; and
- leave the room while the item is being considered/voted upon

If you are a Cabinet Member you may make arrangements for the matter to be dealt with by a third person but take no further steps

Non- pecuniary

Declare the nature and extent of your interest including enough detail to allow a member of the public to understand its nature



You may participate and vote in the usual way but you should seek advice on Predetermination and Bias from the Monitoring Officer.

Our Vision and Priorities for Thurrock

An ambitious and collaborative community which is proud of its heritage and excited by its diverse opportunities and future.

1. **People** – a borough where people of all ages are proud to work and play, live and stay
 - High quality, consistent and accessible public services which are right first time
 - Build on our partnerships with statutory, community, voluntary and faith groups to work together to improve health and wellbeing
 - Communities are empowered to make choices and be safer and stronger together

2. **Place** – a heritage-rich borough which is ambitious for its future
 - Roads, houses and public spaces that connect people and places
 - Clean environments that everyone has reason to take pride in
 - Fewer public buildings with better services

3. **Prosperity** – a borough which enables everyone to achieve their aspirations
 - Attractive opportunities for businesses and investors to enhance the local economy
 - Vocational and academic education, skills and job opportunities for all
 - Commercial, entrepreneurial and connected public services

Minutes of the Meeting of the Housing Overview and Scrutiny Committee held on 20 February 2018 at 7.00 pm

Present: Councillors Luke Spillman (Chair), John Allen, Jane Potheary and Joycelyn Redsell

Lynn Mansfield, Housing Tenant Representative

Apologies: Councillors Gerard Rice (Vice-Chair) and Terry Piccolo

In attendance:

John Knight, Assistant Director of Housing
Wendy Le, Democratic Services Officer

Before the start of the Meeting, all present were advised that the meeting may be filmed and was being recorded, with the audio recording to be made available on the Council's website.

23. Apologies

Apologies were received from:

- Corporate Director of Adults, Housing and Health, Roger Harris, who was attending a meeting related to Health and Wellbeing;
- Councillor Terry Piccolo;
- Councillor Gerard Rice; and
- Councillor Oliver Gerrish, who had been Councillor Rice's substitute.

24. Minutes

The minutes of the Housing Overview and Scrutiny Committee held on 19 December 2017 were approved as a correct record.

25. Items of Urgent Business

There were no items of urgent business.

26. Declaration of Interests

There were no declarations of interest.

27. Review of Garages

Presented by the Assistant Director of Housing (ADH), John Knight, the report outlined the Council's current garage stock. Out of the 2505 garages, 637 were void although 85 of this was now fit to let. Appearance and usage of the

garages needed to be addressed and funding was needed to fix the most derelict garages.

There was a potential proposal to allocate funds to fix garages in the next financial year. The garages needed improvement to make them more acceptable to the public and encourage use of them. As there was a small sum of money currently available, the ADH invited the Committee to suggest the most derelict garages in need of immediate repair and decoration.

Councillor Redsell welcomed the report as it had been long awaited and stated that some garages just needed a coat of paint to improve its appearance. She questioned why Baily Garner had been used to gather the information provided and what the company did. The ADH explained that Baily Garner had been used to perform the Stock Condition Survey of the Council's housing stock which had been presented at the last Committee meeting. Garages had been included the survey and the data had been extrapolated for maintenance and repair works.

As non-Council tenants were charged a higher rate than Council tenants for the use of garages, Councillor Redsell queried the reason for this. The ADH answered VAT was charged to non-Council tenants and social landlords would generally offer a lower price to Council tenants. Thurrock Council was a commercial council and would look to generate revenue where it was reasonable to do so. Council tenants were charged lower as they had a commitment to council properties and were stakeholders in the community.

Councillor Redsell was concerned on what was stored within garages and suggested letting garages to residents within the Borough and not outside of the Borough. She said there needed to be a way to check what was stored in garages. Understanding her concern, the ADH replied that some of the plots were no longer council owned as they had been sold. In the lease agreements, the service would need to notify the occupier of an intention to go into the garages if necessary. If reports of substances or concerns of contents inside were called in, the service would investigate. The service did not require occupiers to issue what contents were stored inside and could not make the assumption that people outside the Borough would use the garages any different to how someone within the Borough would. Referring back to charges of garage use, the ADH suggested the service could look into separate rates for a Thurrock resident, non-Thurrock resident and a Thurrock Council tenant.

Referring to the council's housing stock, Councillor Allen commented that with the 10,000 stock of houses and 2,000 stock of garages, that would mean a quarter of the garages could only be supplied to households. Possibly less as 22% of the garages were not fit for purpose. Regarding Councillor Redsell's earlier comment, he went on to say that there should be a degree of confidentiality on what was stored inside garages as long as there was nothing illegal. Agreeing with the ADH's comment on Thurrock Council being a commercial council, Councillor Allen posed the suggestion of purchasing a new set of garages and whether it would make a good return of revenue.

In response, the ADH said there was a need to intervene in the use of garages if anything illegal was stored. He acknowledged that the garages were not fit for parking due to the small space and that car parking was an issue within the Borough. There had not been the consideration of purchasing a new set of garages but he would take this suggestion back to the service. Councillor Allen commented on the need to renew the current void stock of garages that were rotting away and unfit to be let especially as some were over 40 years old. A new set of garages would be worthwhile as they would have at least a 50 year lifespan.

Adding to this, the Chair suggested this could be something the Prudential Fund could look in to investing. Regarding the amount of void garages, the ADH stated that this number had reduced so the number unfit for letting was now lower. The works would be done on those that could still be let and would look at options for each one.

Councillor Potheary raised the following questions:

1. Did the garages pay for themselves?
2. If funds were invested into the garages, would that cover the costs of maintenance and repair that was required? She was concerned there was a chance they would fall back into disrepair after. She mentioned fees and charges that had been placed on tenants before and was concerned on feedback from people awaiting repairs, new kitchens and bathrooms on the Transforming Homes programme. There needed to be a clear business case into investing money into garages and whether any funds from the Housing Revenue Account (HRA) was being spent on garages.
3. Instead of putting funds in to fix the garages, would it be better to knock them down and invest in building car parks? This would be more useful as people did not tend to park cars in garages. She mentioned the need to build more homes within the Borough which may not be wise to invest money in garages.

The ADH responded that there was no proposal within the report to charge tenants more for the use of garages. An unallocated budget had been left to spend on improving garages and a balance had to be struck on the work to be done although it may not yield any revenue. The work to be done would be more decorative in terms of a coat of paint to maintain the garages. New build homes could be constructed with garages as it was the standard to include new builds with parking spaces. The current garages did pay for themselves which was just under £1 million.

Referring to the 85 void garages that were fit for let, the Chair said there was more supply than demand. Referencing the four P's of business – price, place, product and promotion, the Chair thought the price was good but there seemed to be no demand for the garages. He queried whether the garages were placed in the wrong place, if the condition was too poor or if they were just not being promoted enough. The ADH stated that people were able to

register their interest in a garage online but there was a culture of waiting for the one they wanted. In answer to promotion, the ADH explained that the service could contact interested parties about garages outside of their specified areas so they were aware and encouraged customers outside the Borough to be more flexible in their choice of garage. The Chair went on to say that the service had to be careful of increasing garage rental prices as it could result in less people renting. The ADH replied the service would look to phase this in and that benchmarking would be carried out beforehand.

Councillor Redsell made the suggestion of turning the garages into houses. Councillor Allen also suggested a large site by Prince Phillip Avenue in Stifford Clays that could be utilised for new garages and homes.

RESOLVED:

1.1 That the Housing Overview and Scrutiny Committee commented on the information in the report, and on the options and forward actions described.

28. Repairs Policy

The report was introduced by the ADH which gave an update of the proposed changes to the Repairs Policy upon review. The overarching aim was to ensure the policy remained fit for purpose whilst addressing all the current statutory requirements. It should empower council tenants where possible through access to information and enable them to be involved in the maintenance of their homes.

This policy did not include leaseholders as a separate document would be drawn up for them. The policy had certain sections added in such as damp and mould which was a big issue and other sections were reworded for clarity. Referring to the Housing Repairs FAQs in appendix C, the ADH invited the Committee to provide feedback and suggestions on the clarity of the FAQs.

In reference to paragraph 2.12, Councillor Allen mentioned that many tenants took pride in taking on their own repairs. He questioned if it was fair for them to ask for permission to remove wallpaper as this sometimes resulted in damage to the plaster wall. The ADH explained decorative processes could result in damage to the property which would fall to the Council to repair and be charged back to the tenant. There was an expectation that council tenants should look after the property.

Councillor Allen continued by referring to a case which had blown windows and another that had a broken window that was not the fault of the tenant who needed a crime reference number in order for the Council to repair it without cost. This had been due to a window fail. He asked what tenants had to do in order for repairs to take place without the need of a crime reference number.

In response, the ADH explained that if the broken window had been faulty, there would need to be several reports from the same street to identify a faulty

batch. A crime reference number was needed in order to prove the damage had not been done by the tenant. He listed certain criterias of repairs that was listed within the policy and said that the service would use the stock condition data to take a more planned programme towards repairs.

Echoing Councillor Allen's comments, the Chair added that a blown double glazed window would lose its efficacy and would cause damp and mould to the property. Attempting to raise this as a responsive repair with the Council, tenants would be told the repair was not a responsive repair which was frustrating. Understanding the point made, the ADH answered that damp and mould was a responsive repair and potentially, the blown window would be part of the works to address this. If a blown window did not cause any damp and mould, it would still be secure and a tenant could still see out of it so would not be a responsive repair. The Chair went on to say that this was not always the case. He felt the new system should be more responsive and less rigid. In response, the ADH said that exceptions were made and the policy was set aside when needed. The service hoped to have a programme to ensure serious deteriorations did not occur and to consider repairs where necessary. There needed to be a more strategic and planned approach towards repairs and this was not just for windows. The Stock Condition Survey had shown people were not always reporting defects and this had to be done in order for the service to take full ownership of their assets. This would enable them to roll out cost effective programmes and value for money programmes to maintain their stock. Funds were being used effectively in most needed areas such as single glazed windows and damp and mould. The service needed to find a balance between the findings within the Stock Condition Survey and tenants' needs along with the overall responsibilities of a social landlord which the service was trying to do.

Councillor Redsell commented on the exterior state of certain properties she had seen and felt tenants should take care of their gardens as well as the interior of their homes. She had seen how unattractive some shared gardens were as well and said tenants needed to be encouraged to take better care of gardens. The ADH stated that a performance report would be brought to the Committee in which one of the priorities was to encourage people to take better care of their gardens. The service wished to put together a Tenants Representative Association to generate a greater sense of pride with the desire to foster the spirit of participation. He went on to mention that there were various issues in the tenancy agreement which could be enforced but the service wanted to take a softer approach via conversations.

Responding to this, Councillor Redsell agreed a softer approach was good as officers could encourage tenants to look after their gardens. One house with a poorly looked after garden in a row of houses could bring the area down, same as a garage in a bad condition. The ADH said that it was not always council tenants as the service had found many leaseholders were also not maintaining the best standards of appearance on their properties.

In regards to the FAQs, Councillor Potheary posed the following questions:

1. Referring to the wording on the 24 hour timeframe for emergency appointments, she asked if the wording could be stronger for clarity e.g. stating tenants 'may need to wait 24 hours but not more than 24 hours'.
2. She expressed concern on the 24 hour timeframe when it came to certain issues of smoke detectors or faulty windows on higher floors where children could be living. She asked if certain repairs could be prioritised as higher due to safety issues.
3. Could carbon monoxide alarms be installed in properties? She suggested installing a certain model that could be more cost effective.

The ADH agreed that the wording of 24 hours in an emergency appointment could be better worded and the scripting would be looked at. He felt Councillor Potheary's second question was an interesting point and said he envisaged a database to show certain criterias to judge the priority of a repair. In regards to carbon monoxide alarms, it was not standard to have these installed whereas smoke alarms were. The service was looking at carbon monoxide alarms and the costs to have these installed through a company.

Referring to council tenancy agreements, Councillor Allen sought clarification on whether gardens were included. Confirming this was the case, the ADH said that it was an obligation of the tenant and came under the law. Adding to this, the Housing Tenant Representative (HTR), Lynn Mansfield, mentioned that she had noticed the state of some gardens during an inspection. She went on to say she had seen a housing officer accompanied by an anti-social behaviour officer speaking with tenants and felt that was not a soft approach as discussed earlier. The ADH explained that this may have happened as the tenant in question could have had a warning flagged up on their database. Otherwise, it was not usually the case to have two officers speak with a tenant.

The Chair ended the item by congratulating the ADH and service department on the improvements in service which could be seen from data table within the report.

RESOLVED:

- 1.1 That the Housing Overview and Scrutiny Committee commented on the report and the current operation of the repairs function.**
- 1.2 That the Housing Overview and Scrutiny Committee commented on the proposed changes to the published repairs policy and the other proposals for improvement which are set out in the report.**

29. Homelessness Reduction Act Update

The report was presented by the ADH which provided the Committee with an update on the implementation of the Homelessness Reduction Act 2017 (HRA17). This followed on from the original report brought to the Committee in October 2017. Since then, the service had remodelled services and reconfigured teams, ready to meet the new Act requirements. Thurrock

Council had received a total sum allocation of £242,544 from the new burdens funding which would be split over the three years. The first year's allocation of £81,700 would be used to hire two new specialist officers and on a bespoke system titled 'Jigsaw'.

The service had been visited by a representative from the Ministry of Housing, Communities and Local Government which had resulted in a positive visit. There would be a Homelessness Forum on 5th March in which Thurrock would share their preparations with partners. The aim was to be one of the best Boroughs to successfully implement the requirements of the HRA17.

Welcoming this update and the HRA17, the Chair felt it was the little things that made a big difference. He went on to say the demand did not seem to be so high considering the ratio of the number of people coming into the service per officer. The ADH agreed with this comment.

Referring to paragraph 3.2, Councillor Potheary sought clarification that the current statutory notice period of 28 days would be extended to 56 days. The ADH confirmed this was the case and would be in line with the Assured Shorthold Tenancy in the private sector. However, the service currently did not wait until the end of the notice; instead, they would allocate the case immediately to an Options Officer. Most boroughs, including Thurrock, were already carrying out best practices in general.

Councillor Potheary welcomed this as it was a big issue. She felt paragraph 3.2 needed rewording for clarity regarding the 28 days and 56 days framework. She sought clarification on the wording of paragraph 3.5 which the ADH clarified it referred to families with children and not the children themselves that were made intentionally homeless. It was the parents that were the subject of intention for homelessness and the unfortunate impact was on the children. He went on to state the paragraph focused on the strengthened partnership between housing and children's services. This was a part of the ethos of the new Act which highlighted and encouraged successful partnerships.

Referring to the funding, Councillor Potheary expressed concern over the funding of £81,700 in the first year which would already be used up by the two specialist officers. Whilst this placed new duties on the Council which she felt was right, she was concerned on the lack of resources, such as available properties and discretionary payments, the Council had to fulfil these duties. The ADH agreed the new legislation could not change anything and did not create new housing options. The funding allocated had been based on demand statistics and would be used up fairly quickly but there should be no need for more new staff after the first year. The Act did bring in a lot of new legal duties which councils would be bound to but the service would look to use the funding effectively. Regarding this, the Chair queried if this provided a more accurate picture of homelessness as many had not been recorded in the statistics of local authorities.

Agreeing with this, the ADH continued by saying that there would now be a new statutory return called the H-Click which would be used to inform government of the returns. It would capture customers on every return which would be in Thurrock Council's best interest as it would capture every customer and provide a more accurate level of the demand within Thurrock. This could be used to lobby central government for more resources to meet demands. The ADH also added that the service was doing a separate piece of work called 'Demand and Delivery' which looked at data within the Borough in regards to housing needs and options. This related back to the new Act.

With the new HRA17 requirements, Councillor Allen felt this would improve Thurrock's duty of care towards homelessness. He congratulated the service on the work done so far.

A revised version of the report has been added to this agenda in light of Member comments.

RESOLVED:

1.1 That the Housing Overview and Scrutiny Committee commented on the information provided on the introduction of the Act and the continued work of the Housing Solutions Service in preparing for implementation.

30. Work Programme

The Committee agreed to cancel the scheduled Housing Overview and Scrutiny meeting on the 24th April 2018 due to there being insufficient business during the pre-election period.

The Chair thanked the Committee for their support during his time as Chair.

The meeting finished at 8.48 pm

Approved as a true and correct record

CHAIR

DATE

Any queries regarding these Minutes, please contact
Democratic Services at Direct.Democracy@thurrock.gov.uk

10 July 2018	ITEM: 5
Housing Overview & Scrutiny Committee	
Implementation of Mandatory Licensing of Houses in Multiple Occupation and the introduction of an Additional Licensing scheme	
Wards and communities affected: All	Key Decision: Key
Report of: Dulal Ahmed, Housing Enforcement Manager	
Accountable Assistant Director: Richard Birchett, Interim Assistant Director of Housing	
Accountable Director: Roger Harris, Corporate Director of Adults, Housing and Health	
This report is Public	

Executive Summary

Mandatory Licensing

On 28 February 2018 the Ministry for Housing, Communities and Local Government announced parliamentary approval to implement the extension of mandatory Houses in Multiple Occupation (HMO) licensing in England.

This order changed the prescribed description of houses in multiple occupation that are required to be license d replacing the Licensing of Houses in Multiple Occupation (Prescribed Description) (England) Order 2006.

The council has a statutory duty to implement this order and is allowed to charge the property owner or managing agent a licensing fee to manage this scheme. All licensing income must be ring fenced to administer the scheme.

The report outlines the main changes brought into force in the Order and the number of properties in Thurrock that will meet the new requirements for the first time and therefore will require a license from the council from 1 October 2018.

The council will raise awareness of the new changes to ensure private landlords or their agents comply with the new requirements as anyone who fails to apply for a license will be liable for prosecution.

The Government will review the regulatory impact of this new order by October 2021.

Additional Licensing

On December 13 2016, the Housing Overview & Scrutiny Committee agreed that officers should explore introducing Additional Licensing of privately rented properties that would not be covered by the mandatory licensing of Houses in Multiple Occupation (HMO) coming into force on 1 October 2018.

The authority will carry out an extensive public consultation programme to gather views and representations before any recommendations to Cabinet to implement an Additional Licensing scheme.

This proposed scheme could run alongside the new mandatory licensing scheme and cover far more HMOs giving greater protection to tenants. There are an estimated 700 shared houses currently unregulated in Thurrock.

1. Recommendation(s)

- 1.1 Comment on and note the Central Government changes to implement a mandatory HMO licensing scheme on 1 October 2018**
- 1.2 Comment on and note the duty to raise awareness of the new changes**
- 1.3 Comment on and note Additional HMO Licensing falls outside the scope of mandatory HMO licensing**
- 1.4 Comment and note on proposals to carry out consultation on the introduction of Additional Licensing of HMOs not covered by the Mandatory scheme**
- 1.5 Comment and note the council has adopted the Essex Amenities standards for houses in multiple occupation to develop good quality HMO stock within the borough and will carry out public consultation with landlords, letting agents and tenants on updating these standards in 2018.**

2. Introduction and Background

2.1 Mandatory Licensing

- 2.1.1** The Government first consulted on technical changes to the definition of Houses in Multiple Occupation on 6 November 2015 with the formal consultation paper *'Extending mandatory licensing of houses in multiple occupation in England'*. The Government issued a second consultation on 18 October 2016 with *'Houses in multiple occupation and residential property licensing reforms'* before issuing this regulation order in February 2018.

- 2.1.2 On 28 February 2018 the Government confirmed that Part 2 of the Housing Act 2004 (Licensing of HMOs) would include the new broader definition of a HMO.
- 2.1.3 The new HMO definition extends to cover buildings irrelevant of the number of storeys which are occupied by five persons or more in two or more households. Previously, it was three storeys or more occupied by five persons in two or more households.
- 2.1.4 This includes any HMO which is a building or a converted flat where householders share basic amenities such as a toilet, personal washing facilities or cooking facilities.
- 2.1.5 In addition flats above and below commercial premises where there are less than 3 flats in the building will now fall into the scope of mandatory HMO licensing.
- 2.1.6 The mandatory scheme does not apply to converted blocks of flats to which section 257 of the Act applies. These are buildings converted into and consist of self-contained flats where the conversion work did not comply with building standards and still does not comply with them and less than two thirds of the self-contained flats are owner occupied.
- 2.1.7 The new changes come into force on 1 October 2018. Properties that fall into the scope of the new definition but are already licensed by the council will be passported over to the new scheme at no cost to the landlord. This totals 12 properties on our public HMO register at the end of 2017/18.
- 2.1.8 The council will be obliged to license more HMOs than we currently do. The council is allowed to charge a licensing fee to cover the cost of administering the licensing function under Part 2 of the Act.
- 2.1.9 The HMO fee charges for 2018/19 were approved by Cabinet on 7 February 2018. This schedule can be found in Appendix 1.
- 2.1.10 A landlord who fails to apply for a license by 1 October 2018 will have committed a criminal offence. Landlords operating without a license are liable to prosecution and face an unlimited fine for renting out an unlicensed HMO unless it is subject to either a temporary exemption under section 62 of the Act or an interim or final management order under Chapter 1 of Part 4 of the Act. The council may issue a civil penalty notice up to £30,000 as an alternative to prosecution.
- 2.1.11 To improve living conditions for HMO tenants, the council adopted the Essex Amenities standards for HMOs in 2010. The Essex Amenity standards give advice and guidance on room sizes to prevent overcrowding. Landlords must follow the county guidance on providing suitable HMO accommodation in Thurrock. The county standards are attached in the appendix and help to support enforcement action for noncompliance. The Housing Act 2004

allowed councils to adopt local standards. The county guidance on room sizes advises rooms sleeping one adult should be not less than 8.5 square metres and 12 square metres for two adults. This is above the minimum floor space standard for one bedroom in the Housing Act 1985.

2.2 Additional Licensing

- 2.2.1 There is a high concentration of small HMOs in Thurrock and evidence has shown that the management standards, and thereby the living conditions of the tenants, of these HMOs often falls below an acceptable standard. Licensing of HMOs assists in tackling the problems of poor condition, poor management and in certain circumstances poor behaviour and provides greater protection for tenants and a better neighbourhood for local residents.
- 2.2.2 Additional licensing would be appropriate for Thurrock to improve local standards as HMOs present a higher risk to safety and health of the occupants than other homes, particularly in relation to injury from fire, overcrowding or lack of amenities.
- 2.2.3 The Mandatory Licensing scheme will apply to approximately 300 landlords who will need to be license d for the first time and will therefore need to pay the applicable fee. Some landlords may seek to avoid mandatory licensing and the requirement to improve living conditions by reducing the number of occupiers to 3 or 4 persons who share a kitchen, bathroom or toilet.
- 2.2.4 The proposed additional licensing scheme will encompass smaller HMOs and thereby provide the same level of protection for all HMO tenants and the same standards of provision for landlords.
- 2.2.5 Under the Housing Act 2004 the council has discretion to introduce an additional licensing scheme for HMOs in all or parts of their area. An Additional Licensing scheme would not control numbers of HMOs but would put in place suitable control over those that already exist or may be created during the period of the scheme.
- 2.2.6 Since the Housing Overview & Scrutiny Committee considered the proposal to explore the option of an Additional Licensing scheme the council has tested its appropriateness in Thurrock and established that there are some 700 smaller HMOs that would be included in an Additional Licensing scheme.
- 2.2.7 Although Secretary of State approval is not necessary for the council to adopt a scheme it does have to properly evidence the need and comply with legislative requirements such as consulting with those affected.
- 2.2.8 The council will run this scheme alongside the mandatory HMO licensing scheme. Any additional licensing scheme lasts for a period of five years before the council must review its justification to readopt it.

2.2.9 HMO landlords covered in the additional licensing scheme must pay the council a license fee to rent out their property. Getting an HMO license means their property is safe and managed at a suitable standard for tenants. This also helps landlords find and keep good tenants.

3. Mandatory Licensing

- 3.1 Since 2006, HMOs of three storeys or more having five or more persons in two or more separate households have been subject to mandatory licensing in Thurrock.
- 3.2 The traditional supply of private housing stock in Thurrock, however, consists of small properties below three storeys high. This can explain the small number of licensable HMOs on the council's public register - only 12 at the end of 2017/18.
- 3.3 The authority supports the extension of mandatory HMO licensing for improving management and safety standards and providing better tenant protection for those living in small HMO properties. Under the new Regulations rooms used for sleeping must be no smaller than 6.51 square metres for one adult and 10.22 square metres for two adults.
- 3.4 The council will, however, continue to use the Essex Amenities standards which requires larger rooms but may accept smaller rooms (still subject to the Regulations) where there is greater communal space available to tenants in the HMO.
- 3.5 Mandatory licensing will allow the council to proactively identify and engage with landlords, particularly less responsible landlords, to improve management standards as HMOs increasingly become the housing option for many people. With the pressure on housing supply the council is increasingly looking to discharge its duties to homeless households with safe, secure and suitable accommodation in the private rented sector. It is imperative that we are confident that we are placing households in suitable licensed premises.
- 3.6 The council has 300 two storey buildings, including shared houses and individual tenancies, on its private sector housing database that meet the Government's new HMO definition in England - and which will therefore require licensing.
- 3.7 Many new landlords will have properties that fall into the mandatory licensing requirements and will become licensable for the first time. They will be required to submit an application for a license by 1 October 2018.
- 3.8 We will support private landlords by promoting the changes to help everyone understand the new requirements and offer help, advice and guidance on how to complete the application process to comply with the law.

- 3.9 The fee charges reflect the administrative costs to license HMOs. The fees do not apply to a private landlord leasing a whole house/flat to one tenant/family.
- 3.10 Additional resources will be needed to administer the scheme for collecting the General Fund income of up to £285k.
- 3.11 The council will accept early HMO applications in advance of 1 October 2018.

4. Additional Licensing

- 4.1 The demand for affordable housing in Thurrock has increased significantly over the last 5 years. Small HMOs have been popular with landlords providing multiple homes to satisfy consumer demand without being subject to licensing regulations.
- 4.2 Although HMOs provide a valuable resource to the housing market a high concentration of HMOs in a small area can have a detrimental effect on the surrounding properties and their neighbourhood. Thurrock has around 700 HMO properties in its area that are not covered by the mandatory Licensing scheme and a large number have management issues such as anti-social behaviour by tenants, unacceptable waste storage and disposal and with overcrowding.
- 4.3 The proposed licensing scheme can regulate this area so that the private housing team can address these management issues with the landlord or his or her agent under their license conditions.
- 4.4 The Housing Act 2004 sets out the grounds on which a licensing scheme can be introduced. These grounds are that a '*significant proportion of the Houses in Multiple Occupation of that description in the area are being managed sufficiently ineffectively as to give rise or to be likely to give rise to one or more particular problems either for those occupying the Houses in Multiple occupation or for members of the public.*'
- 4.5 The council has established the evidence base needed to support the introduction of a designated additional licensing scheme in parts of the borough. This information will be shared during the consultation process with those affected by the scheme and the wider general public.
- 4.6 The consultation process will last for 11 weeks, it includes public meetings, landlord forums, an on-line survey on the council's website, and a general public awareness campaign to ensure the council's consultation process has been carried out extensively and the review findings are properly evidenced.
- 4.7 The consultation findings at the end of the 11 weeks period will be presented to Cabinet to consider all the relevant issues before determining whether to recommend the introduction of a designated Additional Licensing scheme in the borough.

5. Reasons for Recommendation

- 5.1 The council has a statutory duty to implement the Regulatory Order for the mandatory licensing of Houses of Multiple Occupation.
- 5.2 This 2018 order replaces Licensing of Houses in Occupation (Prescribed Descriptions) (England) Order 2006.
- 5.3 Part 2 of the Housing Act 2004 gives local authorities the power to declare Discretionary Licensing areas where problems in the private rented sector have been identified. There are a number of areas in the Borough where the problems with the private rented sector would warrant additional licensing.

6. Consultation (including Overview and Scrutiny, if applicable)

- 6.1 Central Government had consulted widely on the extension of mandatory HMO licensing before confirming the new Regulations. This was broadly supported within the private rented sector and it is generally accepted that licensing has been successful in improving management and safety standards in those HMOs.
- 6.2 The government's consultation exercise was shared with the Housing Overview and Scrutiny Committee on 13 December 2016.
- 6.3 The council has a duty to raise awareness of these new changes to landlords and tenants. We will promote the implementation of Mandatory Licensing on the council's website, in local newspapers and at the private landlord forum. In addition the Government will be publishing guidance targeted at local authorities but also useful for landlords to help everyone understands the new requirements.
- 6.4 The council will consult on the introduction of an Additional Licensing scheme to obtain the views of key stakeholders including HMO tenants, landlords, letting/managing agents, local residents, businesses, stakeholder representative organisations and the proposals of neighbouring boroughs.
- 6.5 The details and results of the consultation will be shared with the Housing Overview & Scrutiny Committee.
- 6.6 The council and Essex Housing Officer Group [EHOG] consisting of Braintree, Brentwood, Castlepoint, Chelmsford, Colchester, Epping, Maldon and Tending councils will consult with landlords, letting agents and tenants on the revising the current Essex Amenities standards for HMOs in June and July 2018.
- 6.7 The Government will review the regulatory impact of this new order by October 2021.

7. Impact on corporate policies, priorities, performance and community impact

- 7.1 Licensing will improve the health and wellbeing of private tenants through the reduction of poor and unsafe housing conditions and will enable the authority to bring about general improvements in the neighbourhoods where licensing takes place.

8. Implications

8.1 Financial

Implications verified by: **Julie Curtis**
HRA and Development Accountant

Section 63[3] of the Housing Act 2004 provides that license applications may be accompanied by a fee to be determined by the local housing authority [LHA]. In setting its fee the LHA may take into account all costs it has incurred in carrying out its licensing function.

Based on the HMO license fee of £950 the General Fund income could be up to £285k over 5 years for Mandatory Licensing and £665k for Additional Licensing. All income generated by a licensing scheme must be ringfenced to the delivery of the licensing schemes.

The implementation of the Mandatory Licensing scheme will require 2 additional Licensing Officers on Band 5 at estimated maximum cost of £60k per year and the implementation of an Additional Licensing scheme an additional 3 Licensing Officers on Band 5 and a Licensing Assistant on Band 4 at a maximum cost of £130k. These costs will be covered by the license fee.

8.2 Legal

Implications verified by: **Chima Obichukwu**
Senior Housing Licensing Solicitor

Before making a designation of Additional Licensing scheme the authority must–

- (a) Take reasonable steps to consult persons who are likely to be affected by the designation;
 - (b) Consider any representations made in accordance with the consultation and not withdrawn.
- (4) The power to make a designation under this section may be exercised in such a way that this Part applies to all HMOs in the area in question.

(5) In forming an opinion as to the matters mentioned in subsection (2), the authority must have regard to any information regarding the extent to which any codes of practice approved under section 233 have been complied with by persons managing HMOs in the area in question. Section 57 applies for the purposes of this section.

8.3 **Diversity and Equality**

Implications verified by: **Natalie Warren**
Community Development & Equalities Manager

The Additional licensing proposals aims to improve the private rented sector in terms of meeting minimum legal safety standards to protect lives and the wellbeing of residents. A draft equality impact assessment will be completed alongside the consultation. No negative equality implications are foreseen but there are expected to be positive measures by ensuring a minimum standard for all residents.

8.4 **Staffing implications** (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

There will be staffing implications associated with taking on new employees to deliver Mandatory Licensing in 2018/19. There are a minimum of 300 HMOs that will require a Mandatory License therefore staffing will need to be increased to manage this scheme. Two additional Licensing Officers at Band 5 will be recruited and 1 Property Licensing Assistant at Band 4. The costs will be met by the license fee.

There are approximately 700 properties in the borough that would be brought into an Additional Licensing scheme. The administration of this scheme will require an additional 3 Licensing Officers.

The income generated from licensing will finance the staff to administer the scheme as all licensing income is ring fenced as per the regulatory guidance on HMO fees.

9. **Background papers used in preparing the report** (including their location on the Council's website or identification whether any are exempt or protected by copyright):

Housing Overview & Scrutiny Committee, Update on HMO Licensing Fee Consultation and the Proposal of Additional Licensing, 13 December 2016

http://www.legislation.gov.uk/uksi/2018/221/pdfs/uksiem_20180221_en.pdf

<https://www.gov.uk/government/consultations/extending-mandatory-licensing-of-houses-in-multiple-occupation-and-related-reforms>

10. Appendices to the report

Appendix 1 - Fee Charges 2018/19

Report Author:

Dulal Ahmed

Housing Enforcement Manager

Private Housing

HMO Fees 2018/19

1. The HMO Licensing Fee Structure

	Number Rooms	of Landlord Accredited	Non-Accredited	Accreditation discount
New HMOs 5 year License (Fees for single tenancies and shared houses)	4-5	£950.00	£1,099.00	£140.00
	6 to 10	£999.00	£1,150.00	£150.00
	11 to 15	£1,099.00	£1,264.00	£165.00
	16 to 20	£1,199.00	£1,380.00	£180.00
	21 to 29	£1,380.00	£1,585.00	£207.00
	30 or more	£1,600.00	£1,840.00	£240.00
* extra fee may be applicable for larger premises inspection				
Renewable HMOs License (5 Year- no changes or management regulation breaches)	4-5	£475.00	£546.00	£71.00
	6 to 10	£500.00	£575.00	£75.00
	11 to 15	£550.00	£632.00	£82.00
	16 to 20	£599.00	£689.00	£90.00
	21 to 29	£689.00	£793.00	£103.00
	30 or more	£799.00	£919.00	£120.00
Other Misc. income				
Change of Manager or ownership		£150.00	£173.00	£23.00
License Holder Change Fee reduced by 50% if application for new license within 12 month of issue and subject to property condition/inspection)	4-5	£475.00	£546.00	£71.00
	6 to 10	£500.00	£575.00	£75.00
	11 to 15	£550.00	£632.00	£82.00
	16 to 20	£599.00	£689.00	£90.00
	21 to 29	£689.00	£793.00	£103.00
	30 or more	£799.00	£919.00	£120.00
Assisting with Licensing application (First 30 minutes free for accredited landlords, thereafter £60.00 per hour pro rata)		£60.00	£60.00	£0.00

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10 July 2018	ITEM: 6
Housing Overview & Scrutiny Committee	
Service Review of Homelessness: Domestic Abuse and Mental Health presentations	
Wards and communities affected: All	Key Decision: Key
Report of: Lorrita Johnson, Housing Solutions Manager	
Accountable Assistant Director: Richard Birchett, Interim Assistant Director of Housing	
Accountable Director: Roger Harris, Corporate Director of Adults, Housing and Health	
This report is Public	

Executive Summary

At the request of the previous Chair of the Housing Overview and Scrutiny Committee, a review has been undertaken of the experience of two separate cohorts of customers being dealt with by the Housing Solutions service – a) those becoming homeless or threatened with homelessness as a result of domestic violence and b) single applicants with mental health issues.

Prior to the implementation of the Homelessness Reduction Act in April this year the Housing Solutions service was focused on minimising the number of cases where a homelessness duty was found and reducing the overall number of presentations. The Housing Solutions Service has since been re-modelled to address homelessness prevention as much as providing accommodation for applicants to whom we owe a duty.

In 2017/18 the homelessness team assessed:

- 1,395 homelessness applications in 2017/18,
- 5 new applications per working day
- 235 homelessness applicants accepted a primary duty to provide safe, secure and suitable accommodation (long term settled accommodation)

It is important that the service works with customers in a way that is positive and non-judgemental, and creates a partnership between the customer and their case officer, with the shared objective of achieving the most appropriate resolution of the customer's housing issue. While this will often be homelessness prevention, there will also be cases – especially in relation to domestic abuse – where the viable

options for prevention are limited, and the service must prioritise the safety of the customer and their family without prolonging the casework and assessment stages.

The review of specific cases where domestic abuse and mental health were identified as either the reason for homelessness or an additional factor for vulnerability included those submitted to the corporate complaints team as well as those raised by Members through the Member Enquiries system.

This review was undertaken by analysing the following areas:

- An in-depth review of 18 specific cases;
- A review of members enquiries and complaints in the period 1st October 2017 to 31st December 2017;
- A telephone survey of 6 clients who had recently used the service;

In addition to the analysis of the outcome of the complaints both service users and partners and agencies working with us on homelessness were surveyed to elicit their experiences of working with the Housing Solutions teams.

1. Recommendation(s)

1.1 Comment on and note the analysis of the specific cases

1.2 Comment on and note the common themes highlighted in the report

1.3 Comment on and note the improvements already underway with the homelessness service.

2. Introduction and Background

2.1 27 cases were reviewed dating from June 2015 to November 2017 where it was considered either domestic abuse or mental health was a significant cause of potential homelessness or homelessness and where it was considered that the applicant had not received a satisfactory service.

2.2 Of the 27 cases 18 were determined to involve some level of domestic abuse and 3 some mental health issues. The remaining 9 did not involve either domestic abuse or mental health issues. Of the 18 cases where domestic abuse was an issue 7 were first assessed in 2015, 6 in 2016 and 5 in 2017. All 18 cases were subject to a formal risk assessment with 9 found to be of low risk and 5 medium risk and 4 high.

3 The in-depth analysis of 18 cases

3.1 8 of the applicants had a social housing tenancy with Thurrock Council or a Registered Provider, either as a sole or joint tenant. These cases required a multi-agency approach in assessing the application and finding an appropriate solution. They required further assessment at the Managed Moves Panel and further action in line with the Allocations Policy.

- 3.2 The processing of cases ranged from 1 month to 2 years to complete and provide a housing resolution. The majority of cases which took the longest time to determine were those received in 2015/16.
- 3.3 The Housing Safeguarding team were involved in assessing all the applicants identified as having fled domestic abuse. This service aims to provide a high profile, frontline, proactive and reactive response to all aspects of Housing Domestic Abuse.

They act as an expert consultant to housing staff across the directorate in relation to domestic abuse and support housing officers in their assessment and interventions with families where domestic abuse is a dominant feature and assess the risk a client is subject to and deliver a service appropriate to the level.

Referrals to the Housing Safeguarding team were made from a range of sources including:

- Homeless Team
- MARAC (Multi-Agency Risk Assessment Conference)
- ASB officers
- Women's Aid
- Allocations Team
- Self - referral
- Members Enquiry

- 3.4 In 2 cases customers were dissatisfied with the service delivered by the Customer Services Officers in the council's main reception. At the time these complaints were made the reception staff were only able to offer limited information to applicants and were only able to direct customers to use the onsite telephones to access the Contact Centre who in turn noted down queries and created contact slips for the relevant teams to follow up. This standard process could result in applicants waiting up to 48 hours before a member of the Housing Solutions team contacted them. This system is no longer used and we have a triage system in place to assist applicants when they present to the council.

Customers are initially seen and assessed by an officer who offers assistance and sign posting to other relevant teams/service. This reduces overall waiting times for customers and prioritises those presenting as homeless on the day.

- 3.5 Of the 18 cases outlined above 7 applicants either made a formal complaint or had an informal complaint recorded on their casework notes. The complaints from these customers were as follows;
- No contact from officers
 - Not happy with non-priority decision
 - Delay in relocating the applicant to alternative accommodation
 - Request for update

- No risk assessment
 - Delays in processing applications following completion of the Housing and Employment Destination (HED) - the online housing advice customer system
 - Accusation of gatekeeping
- 3.6 Further investigation of the complaints and evidence from the case recording database indicated that the most common cause for “no contact from officers” was the difficulty officers had in making contact rather than not attempting to make contact at all. When applicants only have a mobile phone with limited capability, for example, on pay as you go, officers may have left messages but these have not been picked up.
- 3.7 A non-priority decision was issued following a detailed assessment of the applicant’s circumstances and a risk assessment by the Housing Safeguarding team. The assessment forms part of the statutory process and the decision is subject to a further review on a point of law if requested by the applicant. In this case the applicant did not request a review.
- 3.8 The issue of risk assessments is addressed at Para. 3.3 Above.
- 3.9 The use of the HED was common practice and was used as a tool to provide advice to applicants threatened with homelessness prior to their homelessness. This was used as a means of empowering customers to resolve their homelessness and avoid the need to visit the office. The system was not particularly customer friendly and hasn’t been used since 6 November 2017.
- 3.10 The accusation of gatekeeping by an applicant was dealt with at stage 2 of the formal complaint process and was not founded. On 1 occasion however, it took 4 months for a formal notification of a decision (S184) to be made for an applicant in a Refuge. This delay is clearly unacceptable.
- 3.11 Of the 18 cases reviewed in 2.2 the outcome of homeless applications are as follows;
- Homeless duty accepted- 2
 - Reciprocal arrangement with another Borough - 1
 - Out of borough homeless application made and accepted-1
 - Non priority decision -1
 - Fled approached address and did not pursue application-1
 - Referral to Citizen Advice Bureau- 1
 - Offered sole tenancies through the Housing Register- 5
 - Remained in accommodation and refused assistance-1
 - Sanctuary scheme provided- 1
 - Temporary accommodation offered-1

Applications resulting in a homeless duty acceptance were awarded band 3 priority and able to bid for a property through the Housing Register.

- 3.12 Reciprocal agreements offer applicants the ability to retain their security of tenure and increase the areas of safety where they are unable to remain living in the borough. The process has been further developed with neighbouring boroughs such Havering, Chelmsford and Castlepoint to enhance the rehousing options of applicants fleeing from domestic abuse.
- 3.13 When issued with a Non-Priority decision applicants presenting who cite domestic violence as an issue are offered a referral to Refuge accommodation where they can access additional support to assist with rehousing.
- 3.14 It is recognised that applicants fleeing domestic abuse should not be further penalised by losing their homes and security of tenure. To this end applicants with Council secure tenancies are offered accommodation through the allocation policy with action taken against abusers to recover properties.
- 3.15 The majority of applicants with an enduring mental health condition and/or accessing the mental health secondary service were assisted with housing as they met the threshold for the homelessness assistance (Priority need criteria).
- 3.16 There were a sub group of applicants with milder forms of mental health diagnoses who were given advice and assistance but were not provided with housing directly by the authority. This was primarily due to the outcome of the assessment suggesting that they were able to manage their own affairs. The council's duty in this instance is to provide advice and assistance only however evidence from casework indicates that officers secured accommodation for these applicants rather than left them to source it themselves.

4 Review of members enquiries

- 4.1 A further review of complaints and Members enquiries data for the period 1 October – 31 December 2017 highlighted 57 cases where the complainant was dealt with by the Solutions team. The breakdown of complaints is detailed below;
- MP enquiries – 9
 - Cllr enquiries – 25
 - MEP enquiries – 11
 - Stage 1 complaints – 6 (of which 2 had an outcome of upheld)
 - Stage 2 complaints – 6 (of which 1 had escalated from a stage 1 complaint) and (of which 2 had an outcome of upheld)
 - Stage 3 complaints – 0
- 4.2 The complaints were filtered to identify any applications where domestic abuse or mental health were cited as reasons for homelessness and 3 cases

involved domestic abuse and 2 cases involved mental health issues. The breakdown of each case is as follows;

3 cases logged relating to domestic abuse/violence.

1- Housing duty accepted

1- Priority banding 2 awarded, and the resident included on the Accessible Housing Register.

1- Housing Options interview scheduled for resident to discuss their circumstances and explore housing options.

2 cases logged relating to mental health issues.

1- A housing needs assessment was undertaken; applicant was referred to the Open Door service. A shared accommodation was identified in the Tilbury area tenancy commenced soon afterwards.

1- A homelessness application taken and enquiries underway to confirm what duty is owed in providing longer term accommodation.

5. Survey of 6 clients

5.1 The council commissioned a telephone survey of customers who had previously fled domestic violence. 6 applicants were surveyed. The satisfaction surveys operated on a 5 point rating scale. Customers were asked to rate services provided by Housing as excellent, good, fair, poor and very poor and only ratings of excellent and good are considered as "satisfied" ratings. Occasionally the customer/client being surveyed declined to provide a rating for a particular question on the survey and where this occurs the survey is omitted from the calculation for the overall satisfaction rating (only for the particular question where a rating has not been given).

5.2 **Reception staff** – customers were asked to rate the service received from staff at the reception desk.
Rating: 1 Excellent, 1 Good, 1 Fair, 1 Very Poor. Overall satisfaction rate of **33.33%**

Customer comments:

- As I approached the desk, the receptionist was smiling and was really polite.
- They were always chatting with each other before they saw to me, particularly the two more elderly ladies, when you're in a rush and have kids with you that's annoying.
- We had to wait in the beginning because no one asked if we needed help but eventually someone came over.
- There was nothing spectacular they just did their job.

- The people at reception didn't seem to really want to help me even though I left messages.
- I rang and went in numerous times to try and get through to my allocated worker and was told at reception that they had been emailed. I didn't find out until I was rung by my caseworker three weeks later that they had never received any emails from them.

5.3 **Housing Staff-** when asked how they would rate the initial interaction with the Council officers who dealt with their case.

Rating: 4 Excellent, 2 Good. Overall satisfaction of **100%**

Customer Comments:

- When my key worker asked for any information, the Council officers provided it as quickly as they could.
- She talked me through everything and reassured me that I would get a house in this area. Just in general they reassured me.
- They were in touch with me every week to make sure that I was settled. They offered me counselling sessions and explained key information to me such as how long housing benefit would take to kick in and what I was and wasn't allowed to do in the temporary accommodation.
- As soon as I emailed them they rang me straight away to sort everything out.
- They listened to me, which not a lot of people do, and took into account my view of things.
- She explained herself very well and was very friendly.

5.4 **Quality of accommodation:** when asked to rate the quality of the accommodation provided.

Rating: 3 Excellent, 1 Good, 1 Fair. Overall satisfaction **80%**

Customer Comments:

- It was just generally very good.
- I was put in a refuge and have now been offered a two bedroom house. The quality of it is excellent because it's a brand new house.
- Before we were in the temporary accommodation we had been living in a caravan with no heating or anything. To come into a fully furnished three bedroom house that we could make our own was excellent. I felt as though I didn't deserve it, I couldn't have asked for a better place.

- The property on the whole is good but there is quite a lot of damp in the property.
- There are a few problems with the boiler and the windows. It could have been in better repair.

5.5 Empathy of staff- when asked to rate the empathy shown by the caseworker dealing with their application.

Rating: Excellent 4, Fair 2. Overall satisfaction **67%**

- When she asked if I had any questions and I said 'not at the minute', she made it clear that if I had any questions I could get my key worker to email her directly or I could ring her myself.
- They went over and above what they needed to do. They took into account that where we were, we had mould everywhere and I had just come out of hospital due to this causing an infection in my throat. They gave me someone to talk for me and wrote things down for me as I couldn't speak due to the throat infection. They gave me their personal contact details at the council so I could contact them day and night.
- She was really helpful and seemed to really care about my situation.
- I don't think that they really took enough into consideration, they listened to me but they didn't really understand if that makes sense. A lot of the time people go in there just for accommodation but sometimes people need help as well and I don't think they really listen to the fact I needed help. They need to take that into consideration.
- There was empathy but you could tell when someone has done it a lot, you could tell it was her job and she wasn't taking any of it personally which I understand as it's probably the only way you could cope with the job.

5.6 Overall satisfaction of the service- 100%

Customer comments

- They were all smiling and friendly. At first I didn't feel very comfortable and was upset but they gave me tissues and did their best to make me feel comfortable. They made it clear to me that they were there to help me.
- In general it was from start to finish a very smooth process. Everything was dealt with promptly. I put in my application on the 21st of April and my appointment was the 28th April and everything was resolved in six weeks start to finish. They kept me up to date with everything regarding my case and sent me letters and informed me that I'd been accepted with the home list. The officer was in contact with my support worker at the refuge at all times as well.

- My caseworker helped me and explained everything to me. The council also got another sofa for the property and another wardrobe as there wasn't much furniture when I arrived here.
- Anytime I've ever emailed or called her she's always got back to me and explained everything that I needed her to, she made me feel as though it was okay to contact her and anything she told me that she would do, she did.
- Initially, my workers would ring me up, tell me what information they needed and would work around me. It needs to be easier to get through to your allocated workers rather than having to go through the council.
- They're not currently even responding to my emails and I'm still in the process of trying to get accommodation

5.7 Customer feedback on how the Council could improve their services in the future

- For me, it was fine as it was.
- I think for people that are going through domestic violence sometimes you feel anxious and need to be reassured, and it's not always easy to get through to someone to do this.
- I think when they make appointments with you they could come to the refuge instead of you having to go to them.
- If they think someone is at risk, I think they should act on that rather than just leave them in a vulnerable property.
- They could improve interaction with their customers and actually follow through with what they say they're going to do and send email to caseworkers. There are problems with when you make a complaint about the receptionists at the desk they then don't want to speak to you when you come in. They could make it easier to get through and talk to the people that you need to speak to.
- They could improve the service at the reception desk, to me they seemed like they weren't really bothered and weren't very empathetic.

6. Feedback from partner agencies

6.1 The review included canvassing the opinions of partner agencies who work with the Solutions and Safeguarding teams when assisting applicants who are victims of Domestic Abuse or who have Mental Health issues. We contacted the following agencies:

- Thurrock Multi Agency Risk Assessment Conference (MARAC)

- Multi Agency Safeguarding Hub (MASH)
- Children's Services / Adult Social Care
- Changing Pathways, the third sector provider commissioned by Thurrock to provide support to women experiencing domestic violence
- National Women's Aid
- Grays Hall- Community Mental Health Team central team providing services customers with secondary mental health diagnoses.

6.2 A survey was conducted these partners to obtain feedback on the experience with the housing service. Overall the feedback was positive with many echoing that the relationship was positive with improved communication between services to assist vulnerable residents. In relation to contacting the teams all the partner agencies were aware of the relevant team managers to contact in Allocations, Homelessness and Housing Safeguarding.

7. Summary of Service Improvements

- Decommissioning of the HED system replacing with the new triage system which offers a quicker processing and prioritisation of homelessness applications
- The new allocations process offering specialist support- separating out the assessment and increasing accommodation finding for applicants
- The new phone recording arrangements in place for continual service improvement and training for staff
- The Housing Safeguarding Team service experts working closely with the homelessness officers to provide the support and assistance for survivors of domestic abuse, which often goes beyond just meeting their housing needs.

8 Future Service Delivery

8.1 The Homelessness Reduction Act created new legal obligations on the authority which are broadly in line with the new service delivery approach and we are actively considering greater specialisation at the casework stage. In this context this report provides a timely opportunity to assess how far the current service provides applicants, including those presenting with specific issues such as fleeing Domestic Abuse or with mental health issues, with a customised service.

8.2 Consideration will be given establishing a dedicated lead officer to offer the specialist support to identify and implement a comprehensive pathway of housing options for single applicants with a strong focus on meeting the needs of those with an identified mental health condition and victims of domestic abuse.

8.3 There is ongoing commitment to increase knowledge and understanding of mental health disorders/conditions which would help officers when

undertaking assessments and help establish the cause of the applicant's homelessness. The Housing Solutions Manager is working closely with colleagues to look at all ways to improve the services we provide for applicants who have mental health issues.

- 8.4 The Local Government Association, LGA, recently conducted a Peer Review of Mental Health. Whilst this was indirectly related to Housing, the team met with some housing staff and there was a universal message that the existing mental health support was very limited and thresholds for accessing secondary care services were too high. Following on from the review, there is ongoing work making the mental health services more accessible and better integrated with the local authority.
- 8.5 Where appropriate the service uses Now Medical Ltd, a private consultancy staffed by qualified clinicians including mental health practitioners, to provide an independent assessment of whether an applicant meets the vulnerability test set by case law. This enables the service to make the overall composite assessment taking into account both the views of the applicant's own GP, consultant, etc. and the views of an independent medical adviser, along with all the other relevant information on file bearing on vulnerability. This approach is endorsed in the Code of Guidance and has been found valid in multiple Court cases as a means for authorities to balance all the medical considerations relevant to an application.
- 8.6 However, as part of the ongoing review the Service is considering the future use of NowMedical.

9. Reasons for Recommendation

- 9.1 Dealing with vulnerable applicants presenting as homeless or threatened with homelessness is always challenging. Where those applicants have specific needs, such as fleeing violence or mental health issues, it is doubly important that we get our services right. The review of previous cases has highlighted where changes needed to be made and in a number of areas the service has changed and improved. The outcome of the Peer Review into Mental Health and the ongoing work with implementation of the Homelessness Reduction Act will contribute to overall service improvements. It is anticipated that an increased partnership and joint working arrangements between the Mental Health and Housing services would provide the platform for providing the specialist support and assistance required for this particular group of applicants.

10. Consultation (including Overview and Scrutiny, if applicable)

Detailed within the main body of the report

11. Impact on corporate policies, priorities, performance and community impact

Detailed within the main body of the report

12. Implications

12.1 Financial

Implications verified by: **Julie Curtis**
HRA and Development Accountant

There are no direct financial implications as a result of this report. Any impact on the costs associated with the service will be closely monitored and forecast using the recently established finance model.

12.2 Legal

Implications verified by: **Chima Obichukwu**
Housing Solicitor

It is expected that the service would need to be familiar and competent with the new duties in a relatively short time frame, effective training delivered to staff to be legally compliant and provide a robust service limiting successful lawful challenges.

12.3 Diversity and Equality

Implications verified by: **Natalie Warren**
Strategic Lead: Community Development and Equalities

Victims of domestic violence include people with a range of protected characteristics and people with mental health issues are also covered by the Equalities Act. The review has provided an opportunity to consider the needs of customers with protected characteristics and the Community and Equality Impact Assessment for the service will be reviewed to ensure that future service delivery considers the Homelessness Reduction Act as well as customer experience.

13. Background papers used in preparing the report (including their location on the Council's website or identification whether any are exempt or protected by copyright):

None

14. Appendices to the report

None

Report Author: Lorrita Johnson, Housing Solutions Manager

10 July 2018		ITEM: 7
Housing Overview & Scrutiny Committee		
Procurement of the Internal and External Redecoration Programme		
Wards and communities affected: All	Key Decision: Key Decision – spending above £750k	
Report of: Richard Birchett, Interim Assistant Director of Housing		
Accountable Assistant Director: Richard Birchett, Interim Assistant Director Housing		
Accountable Director: Roger Harris, Corporate Director of Adults, Housing and Health		
This report is Public		

Executive Summary

This report sets out the proposals for the procurement of Internal and External Redecorations to Council residential properties to start in November 2018.

This procurement will put in place a contract for 3 years with an option to extend for up to two years in any combination to replace the current contract which has now expired. The current programme for these works has now completed which ensures there is no disruption to our service users.

The annual current budget for these services is £160k for internal redecoration only of sheltered properties and general need properties for vulnerable residents where eligible.

The programme allows for the internal redecoration of properties within our Sheltered Housing schemes and within individual properties where the resident meets the Council's qualifying criteria. There will be no change to the Council's qualifying criteria as a result of this procurement.

Completing these works ensures our stock is maintained, and the living conditions for our vulnerable residents are enhanced.

In addition, the decorating programme, subject to adequate funding will allow for the external redecoration of properties, again enhancing our neighbourhoods for the benefit of all and also importantly maintaining our stock and therefore limiting the need for costly building repairs as a result of deterioration of materials due to weather/water ingress.

The total estimated value for this contract over the maximum 5 year period of delivery is c. £2M which includes provision for the addition of an external painting work programme within this period.

1. Recommendation:

1.1 The Committee are asked to comment on the proposed process to commence procurement of the Internal and External decorating programme for a period of up to 5 years (3 years with an option to extend for up to two years in any combination subject to performance and funding)

2. Introduction and Background

2.1 The current contract for internal and external redecorations is delivered by Mitie Property Services UK Ltd and this has now expired with the conclusion of the last programme. Therefore there is a need to undertake a new procurement process to ensure that any future service provision complies with the Council’s Contract Procedure Rules.

2.2 The Mitie Property Services UK Ltd contract was completed in a timely fashion and within the budget allocated. All applicable performance standards were met by the contractor.

3. Issues, Options and Analysis of Options

Timescale and Procurement Route

3.1 The previous contract was tendered and awarded to one contractor. This approach ensured the service was effectively implemented and managed ensuring a positive experience for our residents. It is not seen that there would be any particular advantage in advertising the procurement in specific lots.

3.2 The tender process will be a sub-EU procurement procedure as the whole life cost of the contract falls under the EU Works threshold of £4,551,413. The procurement will not therefore not be subject to full compliance with the Public Contracts Regulations 2015 Regulations although the procurement principles of transparency, integrity, openness, non-discrimination and fairness will still apply.

Action	Date
Leaseholder consultation	12 July 2018 – 30 day period
Issue Tender through In-Tend	13 August 2018

(the Council's e-procurement tendering portal)	
Tender Return	14September2018
Evaluation Period Ends	30 September 2018
Voluntary Standstill Period Concludes	17 October 2018
Award of Contract	22 October 2018
Contract Start Date	9 November 2018

4. Reasons for Recommendation

- 4.1 This report is being submitted to Cabinet for approval to proceed to tender for a contract with a whole life cost valued above £750K. The total estimated value for this contract over the maximum 5 year contract period is c. £2M.
- 4.2 Approval of delegated authority to award the contract on 22 October 2018, date will allow an implementation period of ten weeks which will ensure that residents etc will benefit from un-interrupted service. Leaseholder consultation will also need to be completed in regard to external redecoration where applicable.

5. Consultation (including Overview and Scrutiny, if applicable)

- 5.1 This report covers only a standard re-tender.
- 5.2 Building Surveying team and Technical Manager will be consulted and included in the procurement process.

6. Impact on corporate policies, priorities, performance and community impact

- 6.1 The contract aims to meet corporate priorities through the delivery of high quality services ensuring the maintenance of Thurrock Housing Stock.
- 6.2 The Council's Social Value Framework will be set out in the tender documents and bidders will be asked to propose added value initiatives that will enhance their bid and which will be subsequently incorporated into the contractual requirements. Typically with this type of service provision apprenticeships and using local suppliers would feature in the evaluation criteria.

7. Implications

7.1 Financial

Implications verified by: **Julie Curtis**
HRA Accountant

This report sets out the procurement proposals to re-tender the Internal and External redecoration programme. It is difficult to predict whether there will be any savings associated with this procurement, however it is thought that there will be a number of organisations that will register an interest in the procurement opportunity which indicates that bid submissions will be competitive.

7.2 Legal

Implications verified by: **Kevin Molloy**
Locum Contract Lawyer

7.2.1 This report will be seeking approval from Cabinet to agree to tender the contract noted in the report. The tender process will be a sub-EU procurement procedure as the whole life cost of the contract falls under the EU Works threshold of £4,551,413. The procurement will not therefore fall under the Public Contracts Regulations 2015 Regulations although the procurement principles of transparency, integrity, openness, non-discrimination and fairness will still apply

7.2.2. Taking the above into account, on the basis of the information in this report, the proposed procurement strategy will comply with the Council's Contract Procedure Rules.

7.2.3 The report's author and responsible directorate are requested to keep Legal Services fully informed at every stage of the proposed tender exercise. Legal Services are on hand and available to assist and answer any questions that may arise.

7.3 Diversity and Equality

Implications verified by: **Becky Price**
Community Development Officer

7.3.1 Decorating Council Housing properties is normally excluded from Council responsibility and remains with tenants. The Assisted Decoration Programme provides assistance to vulnerable individuals living primarily in Sheltered Accommodation who otherwise may be unable to undertake decoration works themselves. Through the contract and the tender process, the Council will ensure the winning bidder has the appropriate skills and experience to work in properties with vulnerable residents.

7.4 Other implications (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

None

8. **Background papers used in preparing the report** (including their location on the Council's website or identification whether any are exempt or protected by copyright):

None

9. **Appendices to the report**

None

Report Author:

Wendy White

Area Contracts Manager

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10 July 2018	ITEM: 8
Housing Overview & Scrutiny Committee	
Gas Servicing, Repair and Renewal	
Wards and communities affected: All	Key Decision: Key
Report of: Richard Birchett, Interim Assistant Director of Housing	
Accountable Assistant Director: Richard Birchett, Interim Assistant Director Housing	
Accountable Director: Roger Harris, Corporate Director Adults, Housing and Health	
This report is Public	

Executive Summary

This report sets out the proposals for the procurement of both the domestic and commercial gas servicing, breakdown and repair and new installation contracts which are due to expire on the 31 March 2019. As a landlord we have a statutory obligation to ensure each domestic and commercial dwelling has a safe gas supply and therefore, we carry out an annual gas safety check of every relevant property.

We are proposing to amalgamate the two contracts into one contract with a single contractor maintaining the whole of the council's stock. This is to ensure continuity of the management of the contracts and obtain the best possible value for money for our residents.

1. Recommendation(s)

Housing Overview and Scrutiny Committee is recommended to:

- 1.1 Comment on the process set out in this report to commence procurement of a combined domestic and commercial gas servicing, breakdown, repair and installation contract for a period of three (3) years with the option to extend for a further two (2) years in any period combination,**

2. Introduction and Background

- 2.1 The current domestic gas contract is based on a price per property for the annual servicing and repair of approximately 8,700 council owned properties

with three levels of priority based on severity of problem and vulnerability of the dwelling occupants. The current contract is approximately £1.3m per year comprising £915k servicing and included repairs, £57k excluded repairs and £330k installation of new boiler and central heating systems.

- 2.2 The price per property contract covers general operating components of the boiler, however, more serious repairs fall outside of the price per property scope and are classified as exclusions. These items are carried out under fixed rates contained within the contract.
- 2.3 The current contract is a 3 year fixed term with the option to extend for a further 2 years, the original commencement date of the contract was 1 April 2015.
- 2.4 Commercial gas servicing and repair services are currently split into two elements, and includes Council buildings across the borough, including the Civic Offices and Thameside Complex. Officers consider that this much smaller element, valued at c. £25k per annum would be more effectively delivered as part of a “one stop shop” for gas services, and therefore the contract will be combined with the domestic component.
- 2.5 In accordance with the terms of the original contract, a twelve month extension was awarded to our incumbent contractors which took effect from the 1 April 2018. This twelve month extension was awarded to allow the Council to undertake a procurement exercise for the tendering and award of a new domestic and commercial gas services and repairs contract. The planned commencement of the new contract will be the 1 April 2019.

3. Issues, Options and Analysis of Options

- 3.1 The harsh winter weather resulted in an overload on all gas servicing contractors but it highlighted a number of concerns with the council’s current contractor. These included difficulty contacting them through their call centre, failings in completing repair works on first visit and missing agreed response times. Members have reported that their constituents have experienced poor levels of service and although any cases where the contractor has failed to undertake the work properly are promptly addressed the retendering of the gas contract will give us an opportunity to build in higher quality standards and greater penalties for poor performance in future.
- 3.2 The council has considered bringing the gas contract work in-house. This would require considerable financial outlay including the establishment of parts and equipment suppliers, the creation of a contract delivery team, the employment of appropriately skilled and trained gas engineers, the creation of a stores facility, the creation of a contact centre facility to respond to customer requests, an increase in insurance to cover all liabilities associated with supplying gas services and an external gas auditing team to ensure our work was up to standard. It is considered to be the least cost effective option and will not be pursued.

- 3.3 It is proposed that the selection criteria will be weighted more highly on quality (60%) rather than price (40%) and will include evidence of a robust call centre/telephony system to ensure call handling times are met, the contractor’s proposals for dealing with spikes in demand such as that experienced earlier this year, their data handling and storage to ensure that all vulnerable and “at risk” groups are properly identified and how the contractor will keep tenants informed of progress with their repair request.
- 3.4 It is proposed to retain three priority levels based on the seriousness of the problem and assessed vulnerability of the occupant(s). These priorities are in line with industry standards across social landlords and they have been benchmarked with surrounding local authorities. These contract priorities are as follows;

Immediate – 2 hours	Gas Escape
Emergency – maximum 24 hours	No Heating/hot water where the tenant or other occupant is known to us as vulnerable or where there are children under 5 years of age
Urgent – 72 hours	Small containable water leak, no heating and/or hot water (due to breakdown or repair of controls) non-vulnerable. Partial loss of heating
Standard – 10 days	Replacement of defective radiators Non-essential repairs, i.e. replacement of a Thermostatic Radiator Valve (TRV).

- 3.5 We contacted our gas services framework provider and asked them to look at the priority timescales set out in our contract and compare them with other landlords in the social housing sector. The provider has confirmed that no other local authority or housing association that uses their frameworks offer anything faster than a maximum 24 Hour response for a loss of heating and hot water for vulnerable occupants.
- 3.6 We have contacted other framework providers used by the council to establish if they have Gas contractors who can be called off their framework to streamline the procurement process. Unfortunately, none of the framework providers had suitable contractors registered with them who could undertake our comprehensive domestic and commercial gas contract requirements.
- 3.7 The current contract includes an obligation on the contractor to supply temporary heating in the event of heating failure under specific circumstances. The contractor is obliged to provide an electric fan/convector heater which provides a sufficient source of space heating as a temporary measure whilst the necessary repair is undertaken.
- 3.8 A single 2kW heater will provide sufficient heat for a room with average insulation and 2.8m ceilings up to 16 square meters in area. This is the size of an average modern living room or bedroom. A 2kW fan heater run

continuously for 1 hour would cost approximately 28 pence per hour based on average unit cost. We will consider individual cases of hardship caused by any increases in heating costs caused by these temporary arrangements.

- 3.9 The evaluation of submitted tenders will be on a 60/40 split between quality and price. This will ensure that our industry standard priority timescales are met, the successful contractor will provide emergency heating in cases of system failure and the updated selection criteria outlined above are met.

4. Reasons for Recommendation

- 4.1 To ensure we meet the council's statutory obligation to carry out an annual gas check on each council dwelling and commercial property.

- 4.2. To ensure we are delivering the optimum level of service to our residents whilst maintaining effective cost control, and best value for money.

- 4.3 The contract will be evaluated on a 60/40 quality/price split as set out above to ensure that response times and workmanship meet the council's desired standards.

5. Consultation (including Overview and Scrutiny, if applicable)

- 5.1 This report includes feedback from members and comments made at the Tenants Excellence Panel.

6. Impact on corporate policies, priorities, performance and community impact

- 6.1 The maintenance of the Council's housing assets is linked to the following key corporate priorities:

- Creating a great place for learning and opportunity
- Encourage and promoting job creation and economic prosperity
- Building pride, responsibility and respect
- Improving health and well-being

7. Implications

7.1 Financial

Implications verified by: **Julie Curtis**
HRA and Development Accountant

The budget for the housing domestic and commercial sites is funded via the HRA with an annual spend of approximately £1.3 Million, with the overall contract value being £10 million, this is funded from HR303 600.

The budget for the non-housing commercial sites are funded from general fund with an overall contract value £100,000.

7.2 Legal

Implications verified by: **Kevin Molloy**
Locum Contract Lawyer

This report is seeking approval from Cabinet to tender the contract noted in the report. The proposed procurement being considered is estimated at above the relevant EU threshold for contracts of this type, and this means that there is a legal requirement to competitively tender the contract via the Official Journal of the European Union (OJEU) and Legal Services note that this tender will be conducted in accordance with the Public Contract Regulations 2015 ('the Regulations').

Taking the above into account, on the basis of the information in this report, the proposed procurement strategy should comply with the Regulations and Council's Contract Rules.

The report author and responsible directorate are advised to keep Legal Services fully informed at every stage of the proposed tender exercise. Legal Services are on hand and available to assist and answer any questions that may arise.

7.3 Diversity and Equality

Implications Verified by: **Natalie Warren**
Community Development & Equalities Manager

A full impact assessment has been undertaken of the implementation of the delivery of the housing investment programme across both responsive repairs and major works.

The programme principles take into account the individual needs of tenants and makes adjustments for vulnerability. The diversity considerations include adherence to the Equality Codes of Practice in Procurement which require consideration of the equality arrangements of all companies any works on behalf of the Council; that they have relevant policies on equal opportunities and are able to demonstrate commitment to equality and diversity.

The significant investment required to deliver this service represents an opportunity to secure additional social value to the local communities in the borough.

8. **Background papers used in preparing the report** (including their location on the Council's website or identification whether any are exempt or protected by copyright):

None

9. **Appendices to the report:**

None

Report Author:

Susan Murray

Housing Asset and Investment Delivery Manager

Adults, Housing and Health

Work Programme

Committee: Housing Overview and Scrutiny

Year: 2018/2019

Dates of Meetings: 28 June 2018, 2 October 2018, 11 December 2018 and 5 February 2018

Topic	Lead Officer	Requested by Officer/Member
28 June 2018 – CANCELLED		
10 July 2018		
Work Programme	Democratic Services Officer	Standard Item
HMO (House of Multiple Occupation) - update & Private Sector Licensing update	Dulal Ahmed	Officer
Mental Health and Domestic Violence within Homelessness case reviews	Roger Harris/ Richard Birchett	Officer
Gas repair procurements	Roger Harris/ Richard Birchett	Officer
External decorations	Roger Harris/ Richard Birchett	Officer
2 October 2018		

Work Programme

Topic	Lead Officer	Requested by Officer/Member
Work Programme	Democratic Services Officer	Standard Item
Housing Allocation Review	Roger Harris/ Richard Birchett	Officer
Estate Regeneration	Steve Cox/Keith Andrews	Officer
Housing Review update	Roger Harris/ Richard Birchett	Officer
11 December 2018		
Work Programme	Democratic Services Officer	Standard Item
Housing Fees and Charges Report	Andrew Austin	Officer
Older People's Health & Housing	Marie Payne	Officer
5 February 2019		
Work Programme	Democratic Services Officer	Standard Item