

**Minutes of the Safer Neighbourhoods and Active Communities  
Scrutiny Board**

**1<sup>st</sup> August, 2019 at 5.45 pm  
at Sandwell Council House, Oldbury**

**Present:** Councillor Moore (Chair);  
Councillors Akhter, Bostan, Edwards, M Gill  
and S Jones;  
Mr J Cash (Co-opted member).

**Apologies:** Councillors P M Hughes, M Y Hussain and  
Sandars.

**In attendance:** Alison Knight (Executive Director –  
Neighbourhoods);  
Jim Brennan (Business Manager – Sandwell  
Locals);  
Neville Rowe (Housing Strategy and Research  
Manager).

9/19 **Minutes**

**Resolved** that the minutes of the meeting held on 4<sup>th</sup> July, 2019 be approved as a correct record subject to the inclusion of the following additional point in Minute No. 7/19:

Environmental considerations must be considered as part of the review of the Green Spaces Strategy.

10/19 **Review of Tenancy Conditions**

The Scrutiny Board received a presentation on the review of Tenancy Conditions relating to Council-owned housing. The Conditions had last been reviewed in 2009. It was reported that since that time, there had been little legislative change, with elements of the Housing and Planning Act 2016 not being progressed. However, the Housing Green Paper published in 2018 had advocated for greater tenant engagement and the revisiting of the tenant/landlord relationship.

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The Green Paper set out five principles:-

- a safe and decent home, which was fundamental to a sense of security and our ability to get on in life;
- improving and speeding up how complaints were resolved;
- empowering residents and ensuring their voices were heard so that landlords were held to account;
- tackling stigma and celebrating thriving communities, challenging the stereotypes that existed about residents and their communities;
- building the social homes that are needed and ensuring that those homes could act as a springboard to home ownership.

Further announcements relating to the Green Paper were expected in the Autumn, any impact of these on the review of Tenancy Conditions would be reviewed and included in a future report to the Scrutiny Board.

Alongside the principles of the Green Paper, there were a number of strategic drivers for carrying out a review of the Council's Tenancy Conditions:-

- to remind tenants of the conditions of their tenancy – both rights and responsibilities;
- to ensure the conditions were understood by both tenants and staff;
- to modernise and update the conditions to reflect new challenges in tenancy management, for example the growing use of CCTV;
- to provide officers with the tools to challenge, influence and change behaviours that were a risk of harm to others or our assets – aiming to resolve concerns before they became entrenched problems.

The programme of consultation for the review included member briefing sessions, the Management Agents Forum, Sandwell Community and Participation Service, supported housing providers and the Tenant Review Panel. Wider public consultation would be held in accordance with statutory requirements. It was proposed that the outcomes of the review would be reported to Cabinet in the winter, with the revised tenancy conditions to take effect from April 2020.

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A number changes were under consideration but were yet to be decided upon. These included:-

- encouraging the use of Direct Debit to pay rent and reviewing the 'rent free' weeks;
- restricting succession rights to spouses, civil partners and cohabitees;
- prohibiting smoking whilst Council employees/agents were in attendance;
- introducing tenant obligations to pre-prepare for repairs (with assistance provided to those who were vulnerable or infirm).

In addition, it was intended for the conditions to be clarified on a number of matters including:-

- that the Council was not responsible for dividing fences, other than privacy panels;
- the need to adhere to conditions when making alterations to a property;
- tenant responsibilities in relation to various matters;
- specifying a range of types of anti-social behaviour;
- the grounds for emergency access to property and grounds for allowing access to carrying out repairs to neighbouring properties.

Members did not feel that there was sufficient evidence to make a compelling case for restricting succession rights to spouses, civil partners and cohabitees. The Board felt that this would negatively impact on, for example, grown up children where the parent holding the tenancy passes on; furthermore, it would not necessarily reduce instances of under occupancy by the person succeeding the tenancy.

In relation to 'rent-free' weeks, members felt that these were greatly valued by the Council's tenants as they fell at Christmas and financial year end, two periods where additional expense was incurred by families and individuals. The Board did not feel that there was a strong reason to amend the current practice.

From the comments and questions raised by members of the Scrutiny Board, the following responses were made and issues highlighted:-

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- it was planned to introduce a proactive approach at Sandwell Locals to home visits. This would be done to ensure every tenant had a visit over a reasonable period of time;
- there was a consistently high level of demand for Council houses, with over 160 bids regularly received for such properties;
- whilst tenants would be encouraged to set up Direct Debits to pay their rent, the Council acknowledged that there would always be a choice to allow tenants to pay their rent in the way that best suited their personal circumstances and wishes;
- there were currently 14 tenant and resident associations recognised by the Council. The Council commissioned Sandwell Community Information and Participation Services to deliver services and development to Tenants and Residents Groups across the borough;
- overcrowding criteria was set by law as one bedroom per person/couple except:
  - children aged 9 and under – two children of any gender expected to share;
  - children aged 9-15 – two children of the same gender expected to share;
- there was no legal requirement to review the tenancy conditions on a set timescale, but the Board felt that it was important to determine a period for future reviews to take place. The cost associated with carrying out reviews was acknowledged; officers undertook to liaise with Legal Services about consultation methods that would satisfy the law;
- the strengthening and clarification of a range of matters within the Tenancy Conditions was welcomed and the Board felt that this could also include conditions of gardens;
- when repairs are carried out on Council properties tenants are afforded opportunities to provide feedback. The Executive Director – Neighbourhoods undertook to provide the Board with performance data including customer satisfaction.

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**Resolved:-**

- (1) that the Cabinet Member for Homes be requested to note the comments and observations of the Safer Neighbourhoods and Active Communities Scrutiny Board in relation to the review of Tenancy Conditions, in particular:-
  - (a) that the Board did not consider there was sufficient or compelling evidence to change the succession rights or 'rent free' weeks arrangements currently being operated;
  - (b) that the Board felt that an appropriate review period should be determined for the Council's Tenancy Conditions;
- (2) that a further report on the Review of Tenancy Conditions be submitted to the Safer Neighbourhoods and Active Communities Scrutiny Board for pre-decision scrutiny prior to it being considered by Cabinet.

(Meeting ended at 6.58 pm)

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