

Minutes of Safer Neighbourhoods and Active Communities Scrutiny Board

**Thursday, 9 December 2021 at 5.45 pm
at Council Chamber - Sandwell Council House, Oldbury**

Present: Councillor Mabena (Chair)
Councillors Gavan (Vice-Chair), Randhawa and V Smith

Also present: Gillian Douglas (Director of Housing) and Neville Rowe
(Strategy and Research Manager, Housing Management)

32/21 Apologies for Absence

Apologies were received from Councillors Ashman, Fisher, G Gill and K Singh.

33/21 Minutes

Resolved that the minutes of the meeting held on 25 November 2021 were approved as a correct record.

34/21 Declarations of Interest

There were no declarations of interest made.

35/21 Additional Items of Business

There were no additional items of business to consider.

Councillor Smith raised a question on behalf of Councillor Shackleton in relation to the housing neighbourhood office in



Blackheath. The Director of Housing confirmed that the Library was available for residents who needed help to make contact with the Housing team, either over the phone or via email. Housing resources had been relocated to the One Stop Shop in Oldbury and further resources had been put into the Contact Centre, predominately for repairs calls. The Council had also begun home checks and had visited 213 residents so far. It was envisioned that this initiative would be a rolling programme to help identify tenants in need.

36/21

Review of Tenancy Conditions

The Director of Housing introduced the item and explained that the Tenancy Conditions was an agreement on the rights and responsibilities of having a council tenancy. The tenancy conditions had last been reviewed in 2009 and had been refreshed to help provide clarity for tenants and to align them with the modernisation of the Council's Housing Service.

The Strategy and Research Manager for Housing Management outlined the Council's consultation process. The Council had recently concluded a statutory consultation regarding the proposed amendments to its Tenancy Agreement. The Preliminary Notice had been sent to all tenants the week commencing 18 October 2021 with a closing date of 12 November 2021 for receipt of responses. In compliance with Section 103 of the Housing Act 1985, the Preliminary Notice invited tenants to comment on the proposed changes and tenants had the opportunity to respond in three ways:-

1. By completing a free text questionnaire via a dedicated consultation webpage on the Council website;
2. By e-mail using a dedicated e-mail address;
3. By completing a feedback form at the back of the Preliminary Notice and forwarding it to the Roway Lane postal address.

Members were advised that just short of 1,600 responses (1,597) had been received, which was a response rate of 5%. Detailed findings of the consultation had been included in the report. The following points were highlighted:-

- 82% (1,309) of respondents answered 'Yes' to 'Do you agree to the proposed changes in the agreement' with no further comment. A further 21 respondents answered 'No' with no further comment.

- 95 answered 'Yes' to the proposals and added comment, 70 answered 'No' with comment and 102 made comment only. In total 88% of respondents agreed with the proposals.
- The amendment which received the highest volume of objection was Condition 5.2, Paying Rent in Advance, with 52 (3% of all respondents) in total objecting to this requirement. The second highest volume of objections was to Condition 4.11 - the proposal to restrict tenancy succession rights to spouses, civil partners and common law partners for tenancies that commenced after 1 April 2012. This attracted a total of 27 (2% of all respondents) objections. The next highest volume of concerns and objections related to who should take responsibility for fencing between properties (excluding privacy panels). This attracted 8 critical comments where the view was that the Council should take responsibility.
- In addition to the above responses the proposed Condition 10.10 involving the use of Social Media generated a considerable amount of media interest. However, from the consultation itself, the Council received 7 comments; 6 against and 1 in support.

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

- Council staff deserved to be treated with respect in the same way as a business or organisation.
- The sentiment of the condition 10.10 remained the same but the wording had been amended to be less punitive. In particular the reference to visitors in a tenant's home under this condition had been removed as it was acknowledged that it would not be possible for the tenant to manage other individuals' social media posts. In addition the condition had been amended to only refer to Council officers, agents and contractors.
- It was acknowledged by the Board that its role was to consider the responses received to the consultation, however members felt that the revised wording for 10.10 should be further reconsidered to be lighter in tone.
- Members suggested that it may be useful for the Council to post more generic guidance on treatment of staff elsewhere as a general statement.
- Members felt that council tenants who had committed a crime i.e. assault or harassment could face the additional punishment of losing their home.

- Evictions were a last resort for tenants, it would require repeated intolerable and vexatious behaviour for a tenant to be evicted. Officers would always try to mitigate this initially.
- There was a tenant handbook which expanded on and supported the information set out in the tenancy conditions.
- 33,000 notices had been sent out via post to every tenant and a 5% response rate was considered a robust sample on which to base conclusions.
- Revision of the conditions began in 2019 but was unfortunately delayed due to the COVID-19 pandemic as officers felt it wouldn't be appropriate to consult during that period. Colleagues had been consulted on in advance to ensure the conditions were robust and compliant with all relevant legislation. Officers were heartened by the feedback and high level of support for the proposals that had been received from residents.
- Officers had not received requests for translation or braille, however they has received several requests for a larger font size which had been provided to the tenants. The strapline at the beginning of the notice highlighted the importance of the document in 11 different languages. Officers had spoken to some tenants over the phone and there was a dedicated email address for residents to ask any questions – this was considered to have worked well.
- It was noted that changing to pay rent over 52 weeks rather than 48 would result in lower weekly costs to tenants as the annual rent sum was spread over a greater number of weeks.
- Members were in agreement that the conditions could tie in with other strategies across the council such as the Domestic Abuse Strategy to ensure that support is given to victims rather than perpetrators.
- The Council had Multi-Agency Public Protection Arrangements (MAPPA) responsibilities as an authority to rehouse offenders, supervision for offenders was provided.
- Members commented on instances where tenants had been found guilty of abuse and violent offences and how these should be tackled to protect survivors of abuse.
- The Council did not want residents leaving prison to become homeless but sadly for significant sentences it was inevitable as individuals could not claim Universal Credit or Housing Benefit. Families could cover the costs of the individual's council tenancy.
- The Tenancy Conditions would go to Cabinet and if approved, notices would be served to all tenants again, 4 weeks before the new conditions would take effect. The amendment to the

conditions would be shared through the usual communication channels.

The Board thanked officers for their work on the consultation.

Resolved that the Cabinet be requested to consider the consider the comments of the Safer Neighbourhoods and Active Communities Scrutiny Board in relation to the Review of Tenancy Conditions, in particular the following points:-

- (1) Condition 10.10 should be reworded to be lighter in tone to more clearly reflect the Council's intentions for that condition;
- (2) that links be made between the Tenancy Conditions and other Council policies and strategies as appropriate, for example the Domestic Abuse Strategy.

37/21 Cabinet Forward Plan

Following a question raised by Councillor Smith regarding the decisions made by the Cabinet, the Democratic Services Officer explained that decisions would be reflected in the minutes. The Cabinet member could also be brought to a meeting of the Scrutiny Board to discuss their decision and, for recommendations made by Scrutiny Boards to The Cabinet, a report should be brought back to the Board after two months. Sandwell Council was not in the practice of producing private minutes and all minutes were public. If members had specific queries they were advised to contact Democratic Services for additional guidance.

38/21 Work Programme

The Democratic Services Officer explained that the Chair and Vice-Chair had met with Director of Borough Economy and Director of Housing to discuss topics for the upcoming work programme of this Scrutiny Board. These included the Council's Housing Strategy, Homelessness Strategy and Safe Sandwell Partnership.

Members agreed in principle to the items proposed being scheduled for consideration at future meetings of the Safer Neighbourhoods and Active Communities Scrutiny Board.

Meeting ended at 6.46 pm

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