

**Minutes of the Meeting of the Scrutiny Committee for
Community, Housing and Planning held on 27 June 2018
from 7:00 p.m. to 8:15 p.m.**

Present: Councillors: Neville Walker (Chairman)
Margaret Hersey (Vice-Chairman)

Andrew Barrett-Miles*
Edward Belsey*
Richard Cherry*
Phillip Coote
Sandy Ellis

Sue Hatton
Chris Hersey
Colin Holden
Anne Jones
Edward Matthews

Anthony Watts Williams*
John Wilkinson
Peter Wyan

*Absent

Also Present: Councillor Jacqui Landriani.

Also Present (Cabinet Members): Councillor Andrew MacNaughton, Councillor Norman Webster, Councillor Mandy Thomas-Atkin, Councillor Garry Wall and Councillor Llewellyn-Burke.

1. SUBSTITUTES AT MEETINGS OF COMMITTEE - COUNCIL PROCEDURE RULE 4.

Councillor Norman Mockford was substituting for Councillor Edward Belsey and Councillor Bruce Forbes was substituting for Councillor Richard Cherry.

2. APOLOGIES.

Apologies were received from Councillor Edward Belsey, Councillor Anthony Watts Williams, Councillor Andrew Barrett-Miles and Councillor Richard Cherry.

3. DECLARATIONS OF INTEREST.

None.

4. MINUTES.

The Minutes of the Committee held on 17 April 2018 and 9 May 2018 were agreed as correct records and signed by the Chairman.

5. TO CONSIDER ANY ITEMS THAT THE CHAIRMAN AGREES TO TAKE AS URGENT BUSINESS.

None.

6. THE PROVISION OF TEMPORARY ACCOMMODATION FOR MSDC.

Judy Holmes, Assistant Chief Executive, introduced the report which sets out a proposal to purchase and lease properties to provide temporary accommodation for homeless households and thereby minimise the Council's reliance on bed and breakfast and guest house accommodation. Appendix 1 of the report provides contextual background to the main report. She drew Members attention to figures contained in Appendix 1 of the report which highlighted the national and local pressures on temporary accommodation.

Emma Shuttleworth, the Business Unit Leader for Housing Services informed the Committee that the report outlined the additional staffing implications of managing the

acquired and leased temporary accommodation as well as those required to meet the new duties in the Homelessness Reduction Act. She also told Members that by acquiring a portfolio of owned and leased properties the Council could reduce the cost of emergency accommodation significantly and improve the standards of accommodation which will improve the well-being of the households housed in this way. Providing temporary accommodation in the district would enable homeless families to maintain their support networks and to continue to access current schools and employment.

Members were informed that consultants, were commissioned to evaluate options including a model where the Council bought and managed its own temporary accommodation. A summary of the report was attached at Appendix 2 of the report. It was noted that any appraisals carried out had been evaluated using housing market trends at the beginning of 2018.

A Member queried why the report stated that the majority of units would be located in Burgess Hill and Haywards Heath and not in East Grinstead. He suspected that the root cause of homelessness in the district was tenants being unable to pay their rent. If this was the case he asked whether Universal Credit would aggravate the situation as tenants would receive their housing benefits directly rather than being paid directly to the landlord. He believed that it would be more reliable to have the housing benefits paid directly to the Council as the landlord.

The Assistant Chief Executive informed the Member that the reason the majority of units would be located in Haywards Heath and Burgess Hill was that there was a greater demand in those areas. However some units would also be purchased in East Grinstead. She agreed that affordability was a key contributing cause of homelessness and that the situation was not going to improve in the short term. This scheme would allow the Council to better meet its responsibilities and she confirmed that the proposed new staffing structure would ensure families were supported through intensive housing management.

The Business Unit Leader for Housing Services informed the Committee that the rent charged on the properties will be governed by the rules under the Homelessness Act. Rents will be below the Local Housing Allowance which will ensure it is affordable. Where housing benefit is payable, temporary accommodation rents will be paid directly to the landlord ie Mid Sussex District Council.

The Cabinet Member for Community noted the total increase in homelessness nationally and commented on how Crawley had been able to reduce their temporary accommodation costs through similar schemes as those proposed in the report.

A Member suggested that the lost opportunity of spending the reserves elsewhere should be factored into the business plan. He also queried if the recommendation from the business plan was to allocate £6.6m for 20 units why was the recommendation in the report to allocate £4m.

Peter Stuart, the Head of Corporate Resources informed the Committee that the business plan was indicative and that if the scheme was viable at £6m it would be viable if scaled down to £4m. He noted that relevant house prices were decreasing so it could be the case that only £4m would be required. He agreed that the lost opportunity of spending the reserves elsewhere could be included in the business plan, however due to low interest rates, this impact was very small. He also told Members that at this stage Officers had no authority to spend more than the £4m proposed.

The Cabinet Member for Housing and Planning reminded Members that the £4m was in the reserves and hadn't yet been spent. If needed Officers would request extra funds from Cabinet.

A Member asked how Officers will future proof the scheme as homelessness is increasing. He also asked what other options had been explored as in his ward there were empty blocks of flats that could be appropriate for this scheme.

The Assistant Chief Executive told the Committee that all options in the business plan would be considered by Officers. The Council could consider building its own accommodation. She noted that this scheme would most likely be the beginning of a larger programme as the Council needed to build-up its portfolio and staff expertise to deal with future homelessness needs. Officers would continue to work with Housing Associations to identify opportunities to provide temporary accommodation.

A Member queried whether all 30 units would be used for temporary accommodation, what the gross expenditure on temporary accommodation was and what the procurement process was for commissioning the business plan.

The Assistant Chief Executive told the Member that all the units would be used for temporary accommodation and confirmed that if it was no longer needed the Council would stop leasing the property or consider selling them. The gross spend on bed and breakfast was estimated at £540,000 and the net spend which was contained in the report was £346,000.

In answer to a question about the process used to identify the consultants to work up the business case, the Solicitor to the Council informed the Committee that the contract value was under the required amount to enable officer delegation. Three companies approached the Council and the contract was awarded to Appraisals Abound.

A Member noted that the Housing department work hard. She supported the report but would like to see the work continued and expanded as there was a lot more to be done. She commented that funding from central government should be sent to the Housing Authorities instead of to Housing Associations.

The Assistant Chief Executive told the Committee that the Council work with the Housing Associations and tenants to prevent homelessness.

The Cabinet Member for Housing and Planning informed the Committee that there were currently 1650 affordable housing units with planning permission granted on them within the district. He noted that the Council need to identify which developers are not building out their planning permissions.

A Member supported the report but asked whether a timeline could be included and that the scheme should be in place as soon as possible.

The Cabinet Member for Housing and Planning explained that as a Local Authority it took time to complete due diligence checks when considering a project of this scale.

A Member queried when the duty to the household under the homelessness legislation would come to an end.

Samantha Horne, the Housing Needs Team Manager explained that the duty would end when the tenant has the option to move into permanent accommodation. Officers would assess whether that option was viable for the tenant. The Councils duty could also end if

the individual becomes intentionally homeless, or for breaches of the temporary accommodation licence.

A Member asked which public bodies had a 'Duty to Refer' under the Homeless Prevention Act, placed upon them by the legislation.

The Housing Needs Team Manager told the Committee that referrals would come from organisations such as the armed forces and emergency services but general practitioners were not included as a public body with a duty to refer.

The Head of Corporate Resources reminded Members that if the scheme required more than £4m, Officers would have to request approval from Cabinet.

A Member queried where the support staff would be coming from to advise those in temporary accommodation. He also asked Officers to define how long temporary accommodation was and whether they had an estimate for how long they expected those who are placed in the temporary accommodation to stay.

The Assistant Chief Executive informed the Committee that there were plenty of people with the necessary specialised skills in the area that could meet the requirements of the new posts.

The Housing Needs Team Manager told Members that when a full duty homeless duty has been accepted by MSDC they are given full priority on the housing waiting list.

The Business Unit Leader for Housing Services, confirmed that it was difficult to estimate an average time spent in temporary accommodation as there were so many different factors affecting each individual household. However Officers were expecting an average of 12 months for most households. She also confirmed that individuals would have to wait longer for temporary accommodation if they wanted to move to a certain area that was already oversubscribed.

A Member asked for Officers assurances that the business plan was in their opinion sound and also asked what fixed costs would be included in the business plan.

The Head of Corporate Resources informed the Committee that staffing was the main fixed cost and that Officers believed the business plan was financially sound. He reminded Members that there was always the possibility that Officers could approach Cabinet for more funding if the scheme was successful.

A number of Members noted that this proposal is an important step forward in caring for some of the most vulnerable households in the district and should be started as soon as possible. There were not just financial aspects to take into account but social and moral considerations should also be pushing this proposal forward.

The Cabinet Member for Housing and Planning thanked the Officers for their hard work and noted that Members were also grateful.

The Chairman noted his appreciation to the Cabinet Member for Housing and Planning and the Officers involved for a commendable report and proposal. He then noted that no more Members wished to speak so moved to the recommendation, which was agreed unanimously.

RESOLVED

That the Committee;

- i) Recommend to Cabinet that the Council acquires a portfolio of up to 20 units and leases up to 10 units to provide temporary accommodation within Mid Sussex District using the reserves approved by Cabinet on the 8th May 2018.

7. AMENDMENT TO LICENSING POLICY.

Tom Clark Solicitor to the Council, introduced the report which sought the Committee's support on amendments to the Alcohol Licensing Policy regarding powers for Licensing Authorities to suspend or revoke Personal Alcohol Licences.

The Chairman noted that no Members wished to speak so moved to the recommendation, which was agreed unanimously.

RESOLVED

That the Committee:

- i) Endorses the amendments to the Licensing Policy attached in Appendix 1 of the report for adoption by Council on the 25th July 2018.

8. AMENDMENT TO THE HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING CONVICTIONS POLICY.

Tom Clark Solicitor to the Council, introduced the report which sought the Committee's endorsement of changes to the Hackney Carriage and Private Hire Licensing Policy as detailed in Appendix 1 of the report before it goes out to public consultation in July 2018. It was proposed that following consultation, if there are significant amendments required it will be reviewed by this Committee in November before it is formally adopted by Council in December 2018.

A Member noted his support of the report and that he believed this was the first step in toughening up the legislation regarding Hackney Carriage and Private Hire licenses.

A Member queried whether the consultees specifically the licence holders could request the consultation be translated into a different language.

Jon Bryant, the Licensing Officer informed the Committee that all the licence holders are required to pass an English language test so should not require a translation.

A Member stated that item 8.2 was concerning as a licence could be granted to an applicant who has a conviction for an offence such as murder. He believed that it should be the case that under no circumstance should they be granted a licence.

The Licensing Officer informed the Committee that this was because the Council could not fetter their decision making by their policies. The policy is written as such so that it is not subject to legal challenge.

The Cabinet Member for Community commended the report and noted that the amendments bring clarity. The amendments also bring the Councils policies in line with neighbouring authorities and the Institute of Licensing.

A Member thanked Officers for the report as taxi drivers interact with the most vulnerable in our society.

Councillor Bruce Forbes moved to the recommendation which was seconded by Councillor Chris Hersey and agreed unanimously.

RESOLVED

That the Committee:

- i) Endorses the changes to the Hackney Carriage and Private Hire Licensing Convictions Policy in Appendix 1 in the report before it is issued for public consultation.

9. SCRUTINY COMMITTEE FOR COMMUNITY, HOUSING AND PLANNING WORK PROGRAMME 2018/2019.

Tom Clark, the Solicitor to the Council introduced the work programme to the Committee. He told Members that the next meeting would include items regarding the Developer Contributions SPD, the Conservation Area Appraisals and the Gambling Act Policy.

The Chairman moved to the recommendation which was agreed unanimously.

RESOLVED

The Committee agreed the current work programme.

Chairman.