

Public Document Pack

Mid Devon District Council

Homes Policy Development Group

Tuesday, 14 September 2021 at 2.15 pm
Phoenix House, Tiverton

Next meeting
Tuesday, 9 November 2021 at 2.15 pm

Important - this meeting will take place at Phoenix House, but members of the Public and Press can and should attend via Zoom only. Please do not attend Phoenix House without prior agreement. The attached Protocol for Hybrid Meetings explains how this will work.

Join Zoom Meeting:

<https://zoom.us/j/97507199842?pwd=ZWkzVmVWUTRrS2I2MXJ4SFdrdIRVUT09>

Meeting ID: 975 0719 9842
Passcode: 141947

One tap mobile

08003582817,,97507199842#,,,,*141947# The United Kingdom Toll-free
08000315717,,97507199842#,,,,*141947# The United Kingdom Toll-free

Dial by your location

0 800 358 2817 The United Kingdom Toll-free
0 800 031 5717 The United Kingdom Toll-free
0 800 260 5801 The United Kingdom Toll-free

Meeting ID: 975 0719 9842
Passcode: 141947

Membership

Cllr Mrs E M Andrews
Cllr J Bartlett
Cllr J Cairney
Cllr S J Clist
Cllr D R Coren
Cllr R J Dolley
Cllr C J Eginton
Cllr S Pugh
Cllr R F Radford

AGENDA

Members are reminded of the need to make declarations of interest prior to any discussion which may take place

- 1 **Apologies and Substitute Members**
To receive any apologies for absence and notice of appointment of substitutes.
- 2 **Protocol for hybrid meetings** *(Pages 5 - 12)*
To note the protocol for hybrid meetings.
- 3 **Public Question Time**
To receive any questions relating to items on the Agenda from members of the public and replies thereto.
- 4 **Declaration of Interests under the Code of Conduct**
Councillors are reminded of the requirement to declare any interest, including the type of interest, and reason for that interest, either at this stage of the meeting or as soon as they become aware of that interest.
- 5 **Minutes** *(Pages 13 - 20)*
Members to consider whether to approve the minutes as a correct record of the meeting held on 20 July 2021.
- 6 **Chairman's Announcements**
To receive any announcements that the Chairman may wish to make.
- 7 **Teckal Consideration** *(Pages 21 - 42)*
To receive a report of the Deputy Chief Executive (S151) considering the need for a Teckal vehicle in order to help facilitate a step change in the delivery of social housing.
- 8 **Housing Strategy - Update**
To receive a verbal update from the Corporate Manager for Public Health, Regulation and Housing on progress with the draft Housing Strategy.
- 9 **Verbal update on Post Hill development**
To receive a verbal update on the Post Hill development from the Corporate Manager for Property, Leisure and Climate Change as requested at the last meeting.
- 10 **Housing Service update** *(Pages 43 - 50)*
To receive an update report from the Operations Manager for Housing Services.
- 11 **Identification of items for the next meeting**
Members are asked to note that the following items are already identified in the work programme for the next meeting:

- Rent arrears procedure (tbc)
- Housing Service update

Note: This item is limited to 10 minutes. There should be no discussion on the items raised.

Stephen Walford
Chief Executive
Monday, 6 September 2021

Covid-19 and meetings

From 7 May 2021, the law requires all councils to hold formal meetings in person. However, the Council is also required to follow government guidance about safety during the pandemic. The Council will enable all people to continue to participate in meetings via Zoom.

You are strongly encouraged to participate via Zoom to keep everyone safe - there is limited capacity in meeting rooms if safety requirements are to be met. There are restrictions and conditions which apply to those in the building and the use of the building. You must not attend a meeting at Phoenix House without complying with the requirements in the new protocol for meetings. You must follow any directions you are given.

Please read the new meeting protocol which is available here: [Hybrid Protocol - September 2021.pdf \(middevon.gov.uk\)](#)

If you want to ask a question or speak, email your full name to Committee@middevon.gov.uk by no later than 4pm on the day before the meeting. This will ensure that your name is on the list to speak and will help us ensure that you are not missed – as you can imagine, it is easier to see and manage public speaking when everyone is physically present in the same room. Notification in this way will ensure the meeting runs as smoothly as possible.

If you would like a copy of the Agenda in another format (for example in large print) please contact Sarah Lees on:

E-Mail: slees@middevon.gov.uk

Public Wi-Fi is available in all meeting rooms.

This page is intentionally left blank

Mid Devon District Council – Hybrid Meeting Protocol

1. Introduction

Remote meetings via Zoom have been used during the Covid-19 pandemic in accordance with the temporary legislation. That legislation ceases to apply from 7 May 2021. However, Covid-19 legislation and guidance continues in place and this places specific requirements for meetings in relation to health and safety, risk assessments and related matters.

The Council has therefore put in place temporary arrangements which will enable meetings to take place in compliance with legislation, whilst providing alternative participation opportunities to maintain a Covid-19 safe environment. All are asked to remember that the Council's offices at Phoenix House are not just meeting rooms – they are the place of employment for many and there are implications beyond just how the meetings are held.

The arrangements set out in this Protocol will apply to meetings from 7 May 2021 until further notice. At the date of this Protocol, it is expected that arrangements may change later this year – because the Government may change the law, the Covid- 19 pandemic may have further receded and/or the Council makes alternative arrangements.

2. Hybrid arrangements – how will they work?

The primary objective is to ensure that meetings can continue as safely as possible and that the rights of Members and the Public are not diminished simply because the meeting is being held through a mix of online and face-to-face means. The Chairman will retain control and discretion over the conduct of the meeting and the Zoom host will provide administrative support to facilitate the meeting.

Please note that, exceptionally, meeting arrangements may change – in response to legislation, court decisions, or risk. This may include a meeting being postponed, or the hybrid arrangements changing or being withdrawn. We ask that you check the arrangements in advance of joining or attending the meeting.

(a) Members (councillors) entitled to vote

All Members entitled to vote in a meeting must be present in the same room – if they are to be classed as 'present' (count towards the quorum) and to cast a vote. If a Member entitled to vote is not in the room, they may still participate via Zoom (see below), but they will not be present (quorum) nor be able to vote.

(b) Other Members, Officers and the Public

The Council will use Zoom to enable all other Members, officers and the Public to attend and participate in meetings safely. Zoom will be enabled in all public meetings. Those attending the meeting physically will be able to see and hear Zoom participants via the existing large TV/monitor screens in the meeting rooms.

Those on Zoom will be able to hear Members in the room and see them – although this will be a whole room view and there will be no zooming in on individual members. It is essential therefore those Members present in the room use the microphones at all times and identify themselves before speaking.

There will be some Officers in the room – the Committee Administrator, the Zoom host and, at times, an additional support officer. There may also be a meeting room host to manage the safety of the meeting. All other Officers should use Zoom, unless they are specifically invited into the room by the Chairman of the meeting.

3. Zoom

Zoom is the system the Council will be using for those attending Hybrid meetings remotely. It has functionality for audio, video, and screen sharing and you do not need to be a member of the Council or have a Zoom account to join a Zoom meeting.

4. Access to documents

Member Services will publish the agenda and reports for committee meetings on the Council's website in line with usual practice. Paper copies of agendas will only be made available to those who have previously requested this and also the Chair of a meeting.

If any other Member wishes to have a paper copy, they must notify Member Services before the agenda is published, so they can arrange to post directly – it may take longer to organise printing, so as much notice as possible is appreciated.

The Public should continue to access agendas via the Council's website - and are encouraged to do so even after the offices at Phoenix House are fully open again.

5. Setting up the Meeting for Zoom attendance

This will be done by Member Services. They will send a meeting request via Outlook which will appear in Members' Outlook calendar. Members and Officers will receive a URL link to click on to join the meeting. The Public will use the Zoom details on the front of the agenda. The telephone dial-in via Zoom will also be available.

6. Public Access and Participation

(a) Public Access:

Members of the Public will be able to use a web link and standard internet browser. This will be displayed on the front of the agenda. Members of the Public should attend a meeting via Zoom, unless there are circumstances justifying attendance in person.

If any member of the Public still wishes to attend in person, they must notify Member Services **at least 3 working days before the meeting**. Notifications must be sent by email to:

Committee@middevon.gov.uk

Day of meeting	Notice given by
Monday	Previous Wednesday
Tuesday	Previous Thursday
Wednesday	Previous Friday
Thursday	Monday
Friday	Tuesday

This will ensure that the meeting rooms do not become overcrowded.

(b) Public Participation (speaking):

Public questions will continue in line with the Council's current arrangements as far as is practicable. However, to ensure that the meeting runs smoothly and that no member of the public is missed, all those who wish to speak must register **by 4pm on the day before the meeting**. They should email their full name to Committee@middevon.gov.uk. If they wish to circulate their question in advance, that would be helpful.

At public question time, the Chair will ask each registered person to speak at the appropriate time. In the normal way, the public should state their full name, the agenda item they wish to speak to **before** they proceed with their question. Unless they have registered, a member of the public may not be called to speak, except at the discretion of the Chairman.

If a member of the public wishes to ask a question but cannot attend the meeting for whatever reason, there is nothing to prevent them from emailing members of the Committee with their question, views or concern in advance. However, if they do so, it would be helpful if a copy could be sent to Committee@middevon.gov.uk as well.

7. Arrangements for any person attending meetings at Phoenix House

Anyone attending a meeting in person must observe the following requirements:

- (a) For non-voting members, officers and the Public – are there exceptional circumstances to justify attending? If so, please notify in advance and in paragraph 6 above. It is essential that the Council knows who is attending and how many will be in the room.

- (b) Do not attend if you: have any symptoms of Covid-19; are self-isolating (with or without a positive Covid-19 test); or are in a period of post-travel quarantine.
- (c) Use the hand sanitiser which is available in the building.
- (d) Follow the directions for entering, moving around and exiting the building. Follow the instructions of any Officer present to manage the safety of the meeting and/or the Chairman.
- (e) Sign into the meeting if requested to do so – you may be asked to leave contact details
- (f) Enter and leave the building promptly – do not gather inside after the meeting has finished, or during any break in the meeting
- (g) Bring your own water/refreshments, as these will not be available for the time being.

8. Starting the Meeting

At the start of the meeting, the Member Services Officer will check all required attendees are present and that there is a quorum. If there is no quorum, the meeting will be adjourned. This applies if, during the meeting, it becomes inquorate for whatever reason.

The Chair will remind all Members, Officers and the Public attending via Zoom that **all microphones must be muted**, unless and until they are speaking. This prevents background noise, coughing etc. which is intrusive and disruptive during the meeting. The Hosting Officer will enforce this and will be able to turn off participant mics when they are not in use.

9. Declaration of Interests

Members should declare their interests in the usual way. A Member with a disclosable pecuniary interest is required to leave the room. If they are attending via Zoom, they will be moved to the waiting room for the duration of the item.

10. The Meeting and Debate

- (a) For Members and Officers physically present

Each member should raise their hand to indicate a request to speak. When called, they must identify themselves for the recording and for the benefit of those attending via Zoom. The microphone must be used when speaking – standing will make it difficult for those on Zoom to hear and is discouraged, including at meetings of Full Council.

- (b) For any person attending via Zoom

The Council will not be using the Chat function. The Chairman will call speakers

in accordance with the usual rules i.e. either at Public Question Time, or for Members and Officers, when they raise their Zoom hand to speak.

No decision or outcome will be invalidated by a failure of the Chair to call a member to speak – remote management of meetings is intensive and the Hybrid arrangements are likely to be more so. It is reasonable to expect that some requests will be inadvertently missed from time to time.

When referring to reports or making specific comments, Members and Officers should refer to the report and page number whenever possible. This will help all present or in attendance to have a clear understanding of what is being discussed.

11. Voting

Voting for meetings in person is normally through a show of hands. The Member Services Officer will announce the numerical result of the vote for the benefit of those attending via Zoom.

12. Meeting Etiquette Reminder for Zoom attendees

- Mute your microphone – you will still be able to hear what is being said.
- Only speak when invited to do so by the Chair.
- Speak clearly and please state your name each time you speak
- If you're referring to a specific page, mention the page number.

13. Part 2 Reports and Debate

There are times when council meetings are not open to the public, when confidential, or “exempt” issues – as defined in Schedule 12A of the Local Government Act 1972 – are under consideration.

If there are members of the public and press attending the meeting, then the Member Services Officer will, at the appropriate time, remove them to a waiting room for the duration of that item. They can then be invited back in when the business returns to Part 1.

Please turn off smart speakers such as Amazon Echo (Alexa), Google Home or smart music devices. These could inadvertently record phone or video conversations, which would not be appropriate during the consideration of confidential items.

14. Interpretation of standing orders

Where the Chairman is required to interpret the Council's Constitution and procedural rules and how they apply to remote attendance, they may take advice from the Member Services Officer or Monitoring Officer prior to making a ruling. However, the Chair's decision shall be final.

15. Disorderly Conduct by Members

If a Member behaves in the manner as outlined in the Constitution (persistently ignoring or disobeying the ruling of the Chair or behaving irregularly, improperly or offensively or deliberately obstructs the business of the meeting), any other Member may move 'That the member named be not further heard' which, if seconded, must be put to the vote without discussion.

If the same behaviour persists and a Motion is approved 'that the member named do leave the meeting', then (if attending via Zoom) they will be removed as a participant by the Member Services Officer.

16. Disturbance from Members of the Public

If any member of the public interrupts a meeting the Chairman will warn them accordingly. If that person continues to interrupt or disrupt proceedings the Chairman may ask the Member Services Officer to remove them as a participant from the meeting.

17. Technical issues – meeting management

If the Chairman, the Hosting Officer or the Member Services Officer identifies a problem with the systems from the Council's side, the Chairman should either declare a recess while the fault is addressed or, if the fault is minor (e.g. unable to bring up a presentation), it may be appropriate to move onto the next item of business in order to progress through the agenda. If it is not possible to address the fault, the meeting will be adjourned until such time as it can be reconvened.

If the meeting was due to determine an urgent matter and it has not been possible to continue because of technical difficulties, the Chief Executive, Leader and relevant Cabinet Member, in consultation with the Monitoring Officer, shall explore such other means of taking the decision as may be permitted by the Council's constitution.

Where any Member, Officer or the Public experience their own technical problems during the course of a meeting e.g. through internet connectivity or otherwise, the meeting will not be automatically suspended or adjourned.

18. Technical issues – Individual Responsibility (Members and Officers)

Many members, officers and the Public live in places where broadband speeds are poor, but technical issues can arise at any time for a number of reasons. The following guidelines, if followed, should help reduce disruption.

- Join public Zoom meetings by telephone if there is a problem with the internet. Before all meetings, note down or take a photograph of the front page of the agenda which has the necessary telephone numbers. Annex 1 to this protocol contains a brief step-by-step guide to what to expect
- Consider an alternative location from which to join the meeting, but staying safe and keeping confidential information secure. For officers, this may mean considering whether to come into the office, subject to this being safe and practicable (childcare etc.)

- Have to hand the telephone number of someone attending the meeting – and contact them if necessary to explain the problem in connecting
- Officers should have an 'understudy' or deputy briefed and on standby to attend and present as needed (and their telephone numbers to hand)

Phone only access to zoom meetings

(Before you start **make sure you know the Meeting ID and the Meeting Password**) – Both of these are available on the agenda for the meeting

Call the toll free number either on the meeting agenda or on the Outlook appointment (this will start with 0800 -----)

(Ensure your phone is on 'speaker' if you can)

A message will sound saying *"Welcome to Zoom, enter your meeting ID followed by the hash button"*

- **Enter Meeting ID followed by #**

Wait for next message which will say *"If you are a participant, please press hash to continue"*

- **Press #**

Wait for next message which will say *"Enter Meeting Password followed by hash"*

- **Enter 6 digit Meeting Password followed by #**

Wait for the following two messages:

"You are currently being held in a waiting room, the Host will release you from 'hold' in a minute"

Wait.....

"You have now entered the meeting"

Important notes for participating in meetings

Press ***6** to toggle between **'mute' and 'unmute'** (you should always ensure you are muted until you are called upon to speak)

If you wish to speak you can **'raise your hand'** by pressing ***9**. Wait for the Chairman to call you to speak. The Host will lower your hand after you have spoken. Make sure you mute yourself afterwards.

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **HOMES POLICY DEVELOPMENT GROUP** held on 20 July 2021 at 2.15 pm

Present

Councillors

R J Dolley (Chairman)
G Barnell, D R Coren, C J Eginton, S Pugh and R F Radford

Apologies

Councillors

J Bartlett, J Cairney and S J Clist (although Cllr Cairney attended part of the meeting via Zoom)

Also Present

Councillors

R Evans and B G J Warren

Present

Officers:

Andrew Jarrett (Deputy Chief Executive (S151)), Jill May (Director of Business Improvement and Operations), Simon Newcombe (Corporate Manager for Public Health, Regulation and Housing), Catherine Yandle (Operations Manager for Performance, Governance and Health & Safety), Tristan Peat (Forward Planning Team Leader), Mike Lowman (Building Services Operations Manager), Arron Beecham (Forward Planning Officer), Clare Robathan (Policy and Research Officer), Carole Oliphant (Member Services Officer) and Sarah Lees (Member Services Officer)

1 ELECTION OF CHAIRMAN (CHAIRMAN OF THE COUNCIL IN THE CHAIR)

RESOLVED that Cllr R J Dolley be elected the Chairman of the Homes Policy Development Group for the municipal year 2021/2022.

2 ELECTION OF VICE CHAIRMAN

RESOLVED that Cllr D R Coren be elected Vice Chairman of the Policy Development Group for the municipal year 2021/2022.

3 APOLOGIES AND SUBSTITUTE MEMBERS

Apologies were received from:

- Cllr J Bartlett
- Cllr J Cairney
- Cllr S J Clist who was substituted by Cllr G Barnell

4 PROTOCOL FOR HYBRID MEETINGS

The protocol for hybrid meetings was noted.

5 PUBLIC QUESTION TIME

There were no members of the public present and no questions had been submitted in advance.

6 DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT

No interests were declared under this item.

7 MINUTES

The minutes of the meeting held on 16th March 2021 were approved as a correct record of the meeting and signed by the Chairman.

8 CHAIRMAN'S ANNOUNCEMENTS

The Chairman had the following announcements to make:

- There was a site visit to St Georges Court later that day at 5pm and all Members were welcome to attend.
- He reminded the Group that they were a 'Policy' Development Group and that that should be their focus going forwards. There would be less reports coming forwards for noting only, for example, Performance and Risk and Financial Monitoring since these were reported to the Scrutiny Committee, the Audit Committee and Cabinet on a regular basis. Members were welcome to attend those meetings and if an issue fell under the umbrella of Housing which was of concern it could be brought to the Policy Development Group meeting.

9 START TIME OF MEETINGS (00:10:00)

It was **AGREED** to continue to hold meetings at 2.15pm on Tuesday afternoons.

10 MEETING MANAGEMENT (00:12:00)

The Chairman informed the Group that he would be taking item 17, 14 and 15 (in that order) as the next items of business. The reason for this being that he felt that the work programming item would inform debate surrounding the rest of the items on the agenda.

11 WORK PROGRAMMING SESSION (00:13:00)

The Scrutiny Policy and Research Officer provided the Group with a summary of the discussions that had taken place at a recent informal Programming Panel meeting and reminded the Group, by way of presentation, the issues which fell under the umbrella of the 'Homes' area within the Constitution and the Corporate Plan.

Reference was made to the selection criteria used by the Scrutiny Committee to determine whether or not an issue should be discussed, this included, benefits to the community, what the 'value added' benefits would be, what the impact of the issue was or could be and the associated risks. Possible options for future agendas included, single item agendas, working groups to investigate specific issues and inviting external speakers with expertise on particular housing issues.

The Group identified two areas that they would like to focus on in their work programme for the coming year:

- Social Housing / Affordable Homes
- Private Sector Housing and bringing empty homes back into use

Note: * Work programming slides previously circulated; copy attached to the signed minutes.

12 PERFORMANCE AND RISK OUTTURN FOR 2021/2021 (00:18:00)

The group had before it, and **NOTED**, a report * from the Chief Executive providing Members with the outturn on performance against the Corporate Plan and local service targets for 2020/21.

The Group's attention was drawn to appendix 6, the Risk Register and also the fact that there was an error at section 3.1 in the report which stated that one 'Right To Buy' property had been brought back into use when in fact it had been two.

Discussion took place with regard to:

- A request to see dry recycling figures segregated out as a separate item in the performance indicators for recycling. However it was explained that there was a need to be consistent with the rest of Devon in reporting these statistics but discussions on the best way to report this were ongoing.
- How quickly housing performance indicators could be reported in the future given the formulation of the new Housing Strategy.
- It was intended to provide an annual update to the Group on progress with aspirations within the new Housing Strategy.
- The necessity to explore all available opportunities to acquire land for house building.

Note: * Report previously circulated; copy attached to the signed minutes

13 REVENUE AND CAPITAL OUTTURN FOR 2020/2021 (00:37:00)

The Group had before it, and **NOTED**, a report * from the Deputy Chief Executive presenting the Revenue and Capital outturn figures for the financial year 2020/2021.

The following was highlighted within the report:

- The previous financial year had been the most challenging the Council had ever had to face but it had still managed to finish with a £65k overspend on the General Fund and a small underspend on the Housing Revenue Account.
- A small amount had been transferred to Reserves.
- The collection of rents had not been nearly bad as expected.
- The Revenues and Benefits teams had been heavily involved in the paying out of Government funding.
- The Council had received Government funding in relation to the Income Reduction Scheme and the Decarbonisation Fund
- There had been some slippage on the Capital programme due to the pandemic.

- Treasury Management had performed well.

A brief discussion took place regarding how well the Council had performed financially given the extreme circumstances due to Covid.

Note: * Report previously circulated; copy attached to the signed minutes.

14 **AIDS AND ADAPTATIONS POLICY (00:45:00)**

The Group had before it a report * from the Corporate Manager for Public Health, Regulation and Housing providing Members with an opportunity to review the proposed update to the Aids & Adaptations Policy.

Discussion took place regarding:

- Who provided the Occupational Therapy service referred to within the report, how available was it and how was it delivered? It was explained that the Council had contact with both Devon County Council and the NHS. It was confirmed that there had been pressure on this service during the pandemic. The onus was on the Council to respond to an individual's 'Statement of Need' once this had been obtained by partner agencies. A monthly meeting was held with Devon County Council and it had recently been agreed to commence the start time for completing the 'aids and adaptation' needs of clients from the moment the client contacted DCC rather than when the District Council received a 'Statement of Need'. It was confirmed that the Building Service had conducted more work in this area in the previous quarter than they ever had before.
- The importance of providing adaptations to outdoor areas, such as boundary walls, as well as indoor adaptations so as to ensure the safety of residents using those areas.

RECOMMENDED to the Cabinet that the revised Aids & Adaptations Policy be approved.

(Proposed by Cllr C Eginton and seconded by Cllr R F Radford)

Reason for decision

The reason for the recommendation is to allow for formal adoption of the updated policy. The policy is key to ensuring that tenants with disabilities are supported to have access to facilities as set out by the medical and related professional opinion, in accordance with individual need and ability in order to continue living in their home.

Note: * Report previously circulated; copy attached to the signed minutes.

15 **PRIVATE SECTOR HOUSING FEES AND CHARGES 2021/2022 / REVISED CIVIL PENALTY POLICY AND DELEGATED POWERS (00:55:00)**

The Group had before it a report * from the Corporate Manager for Public Health, Regulation and Housing providing the Members with the revised fees and charges for statutory and discretionary Private Sector Housing functions within the Community Team, Public Health and Regulatory Services.

Discussion took place regarding:

- How effective enforcement was within this area? It was explained that there was a proactive enforcement approach within the team, with officers being trained in enforcing criminal legislation and documenting evidence. All available powers were used and cases referred to the court where necessary.
- There was a proactive programme in place to ensure property checks for Houses of Multiple Occupation.

RECOMMENDED to the Cabinet that:

1. The revised fees as set out in Annex 1 be approved.
2. The updated Policy on the Use of Financial Penalties for Housing Act Offences as set out in Annex 2 be approved.
3. The Corporate Manager for Public Health and Regulation and Housing be given delegated authority to authorise relevant officers to enforce The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020.
4. That changes to the way Works in Default charges are constructed are agreed.

(Proposed by the Chairman)

Reason for the decision

Recharging for officer time in relation to enforcement activities, Houses in Multiple Occupation (HMO) licensing and recovering costs associated with non-statutory services means that we are encouraging compliance within the private rented sector, providing suitable for homes for our residents and ensuring HMOs do not have an adverse impact on communities.

Note: * Report previously circulated; copy attached to the signed minutes.

16 **HOUSING STRATEGY CONSULTATION DRAFT (01:10:00)**

The Group had before it a report * from the Corporate Manager for Public Health, Regulation and Housing providing Members with an opportunity to review the proposed consultation draft of the revised corporate Housing Strategy.

The contents of the report were outlined with the following being highlighted:

- It wasn't a legal requirement to have a Housing Strategy in place but it was a really important document. Homes were a basic necessity and a fundamental requirement for everybody. Local authorities had a broad role to play in supporting and regulating the housing sector, this forward looking document provided a framework to enable this to happen. It involved key facets such as public health and the opportunity to attract and retain a skilled work force within Mid Devon.
- The proposed Strategy very much linked with other key council policies such as the Local Plan.
- The following '**HOME**' priorities were proposed within the Strategy document:

- **Housing** - increase delivery of quality designed, well-built homes across the housing market to meet identified needs
- **Optimise** - fit for purpose healthy, sustainable, adaptable homes optimised for high energy efficiency and low carbon impact
- **Making the most** - making the most of our existing homes across the private and public sector in all forms of tenure
- **Engage** - engaging and working with others including partner organisations to deliver our aims
- A key thread within the document was the Council's commitment to climate change and the reduction of carbon.
- The Group's attention was drawn to Objectives 5 and 6 annexed to the report which highlighted the aim of seeking to retain a viable Council Housing stock baseline through full use of available Right to Buy receipts and growing the number of Council houses further through other mechanisms

Discussion took place regarding:

- The proposed strategy represented a step change in approach and a joined up approach with the Planning department and the Local Plan. The Group congratulated the officers in drawing up what was referred to as an 'excellent piece of work'.
- Concerns regarding a perceived lack of ambition regarding the numbers of new Council houses proposed to be built.
- Figures quoted within the report represented a baseline or a minimum in terms of aspiration. Numbers of houses had had to be included in terms of what was realistically deliverable and achievable. The Strategy had to start somewhere.
- The need to explore all available avenues to building to new homes including the recently advertised modular homes.
- The time table at section 3.2 within the report was confirmed as correct.

The Group **NOTED** the proposed timeline and stages for adoption of the Housing Strategy.

RECOMMENDED to the Cabinet that the draft Housing Strategy 2021 – 2025, attached at annex 1, be approved for external and public consultation.

(Proposed by the Chairman)

Reason for the decision

The reason for the decision is to ensure the Council can progress to the next key consultation stage leading to the adoption of the Strategy and have approval with regards to the overall adoption process.

Note: * Report previously circulated; copy attached to the signed minutes.

17 **UPDATE ON TECKAL CONSIDERATIONS**

The Group had before it, and **NOTED**, a report * from the Deputy Chief Executive (S151) informing Members of the intended timetable of activities / reports that will be produced to consider the applicability of a Teckal delivery model to assist in the delivery of the Council's accelerated HRA housing programme.

The content of the report was outlined and it was explained that an all Member briefing would be scheduled for late August or early September. This would be to discuss with Members the basics of Teckal, the associated advantages and disadvantages and whether there were any other mechanisms available to achieve the same aims. Any final decision as to the way forward would need full Council approval. It was also confirmed that there were strong links with the proposed Housing Strategy.

Consideration was given to the following:

- The delay with current housing projects.
- The need to explore the best and most affordable opportunities.
- The proposal was to take an options paper to Cabinet in September and then to full Council for a decision in the autumn which would be likely to coincide with the new Housing Strategy.
- Proposals for the Post Hill development and Teckal were not currently connected.
- Much work was going on behind the scenes regarding the Post Hill development and planning permission was being sought as were design specifications. This was a multi million pound project which needed careful preparation. It was envisaged that the Council would commence development within the current financial year.

Note: * Report previously circulated; copy attached to the signed minutes.

18 HOUSING SERVICE UPDATE

The Group had before it, and **NOTED**, a report from the Operations Manager for Housing providing an update on enforcement and other activity undertaken by officers in the Housing Service.

Note: * Report previously circulated; copy attached to the signed minutes.

19 IDENTIFICATION OF ITEMS FOR THE NEXT MEETING

In addition to the items already within the work programme for the next meeting, the following was also requested to be on the agenda:

- An update on affordable housing projects
- A specific update on the Post Hill project

(The meeting ended at 4.20 pm)

CHAIRMAN

This page is intentionally left blank

SCRUTINY & HOMES POLICY DEVELOPMENT GROUP

13 SEPTEMBER 2021 & 14 SEPTEMBER 2021

Teckal Consideration

Cabinet Members: Councillor Bob Evans – Deputy Leader and Cabinet member for Housing & Property

Responsible Officers: Deputy Chief Executive (S151) – Andrew Jarrett

Reason for Report: To provide Scrutiny with a copy of the report requested by the Homes Policy Development Group (PDG) considering the need for a Teckal vehicle in order to help facilitate a step change in the delivery of social housing.

RECOMMENDATION: That Scrutiny notes the update and passes its comments on to the Homes PDG. These comments will help shape any recommendations, if made, by Cabinet and ultimately the decision that will be required at Full Council.

Relationship to Corporate Plan: The delivering of additional social housing units is a key priority in the Council's Corporate Plan.

Financial Implications: None directly arising from this report. But clearly, there would be potential short term costs of setting up such a trading vehicle and longer term financial advantages. This would be further appraised/examined in subsequent reports, if required.

Legal Implications: Legal advice will be provided during these considerations and in order to reach the current and any future decision points.

Risk Assessment: Future reports, if required, would identify and explore potential risks and would need to consider any mitigation measures if practical.

Equality impact assessment: No equality issues identified for this report.

Impact on climate change: None.

1.0 Introduction

1.1 At the previous meeting of the Homes Policy Development Group (PDG) two reports were considered that are directly relevant to the one before this meeting. Firstly, the overarching Housing Strategy 2021-25 and secondly a brief report providing an update on Teckal considerations. The latter report sought permission from the PDG to provide an all member briefing on the need/suitability/rationale of a Teckal vehicle to help assist in delivering a step change in social housing delivery.

- 1.2 On the 2 September 2021 Anthony Collins Solicitors (ACS) facilitated an all Member briefing on the basics of Teckal as requested. This briefing included examples of how other Councils are utilising this process and importantly gave all Members the opportunity to ask any questions that they had. In order to provide the wider membership and other interested parties with access to the presentation, it has been attached as an appendix to this report.
- 1.3 The introduction to the presentation highlighted that well in excess of 100 Councils have some form of Teckal vehicle being used to undertake a wide variety of Council activities, including housing delivery.

2.0 Teckal

- 2.1 Although the general concept of Teckal is explained in the attached presentation, I have attempted to summarise the key/pertinent issues below:
- 2.2 Where a Council wishes to purchase services, supplies or works then it must do so in accordance with its own standing orders and the Public Contracts Regulations 2015 (PCR 2015). As such the Council's relationship with any wholly owned or joint venture entity that it directly or indirectly has an interest in will only be caught by the rules on public procurement if the Council enters into a public contract (as that term is defined in the PCR 2015) with the entity.
- 2.3 Where a Council does wish to purchase any of the above from its own company, then it must follow a compliant procurement process unless its relationship with the entity it is purchasing from is established in accordance with Regulation 12, PCR 2015 (Teckal).
- 2.4 A Teckal relationship can exist where:
- the entity is itself a contracting authority;
 - the Council exercises control over it, which is similar to that which it exercises over its own departments (e.g. the Council exercises decisive influence over the strategic objectives and significant decisions of the entity). This control can be exercised directly or through another controlled legal entity;
 - more than 80% of the entity's activities are carried out in the performance of activities entrusted to it by the Council or other entities controlled by the Council; and
 - there is no direct private capital participation in the entity.
- 2.5 If there is an intermediate legal entity between the Council and the Teckal compliant entity, then that intermediate entity does not have to be a contracting authority or meet the 4th bullet point criteria shown above, provided that it is "controlled". Tasks can be entrusted by other controlled entities within the "group" and those entities can themselves be contractors of the Teckal compliant entity.

2.6 A Teckal compliant entity, does not need to comply with the procurement rules when procuring works/services/supplies from the Council and any other controlled entity. As such it can contract directly with those entities for the delivery of services, supplies and works to it without the need to run a procurement process in accordance with the PCR 2015.

3.0 The next steps

3.1 As referred to in the all member briefing, on a number of occasions, setting up and then operating a Teckal vehicle will take some time, resource and hence financial commitment. Therefore, the Council needs to ask itself a few key questions in order to clarify/determine its next actions on Teckal. Here is just a flavour of some of the issues that will require consideration; what are we trying to achieve, are there other means, do we have the necessary skills, have we already identified sites/projects, what kind of governance arrangements will it need, are we clear on the terms of reference that we would want to set, how it could be used in conjunction with prevailing Housing Revenue Account legislation, is there a long term commitment and well established programme of work that could be delivered, etc.

3.1.1 Some of the above questions are complicated and potentially interrelated. Therefore, discussion with other Councils who already have mature Teckal vehicles would be wise/recommended.

3.2 At this juncture it would be very helpful to obtain a policy steer from Members that can be used to assist Cabinet/Council deliberations regarding whether we want to set up a Teckal vehicle, and if so, what the parameters, outputs, objectives would be.

3.3 In order to progress any future considerations, if Members were to provide a positive steer or at least an appetite to explore Teckal in more detail, further contact and then advice could be sort from ACS to help shape what kind of Teckal vehicle (including governance arrangements and an overview of desired outcomes) would be the most appropriate.

4.0 Conclusion

4.1 Comments from this meeting and that of the Homes Policy Development Group will be utilised in the decision making process of Cabinet and Full Council.

Contact for more information: Andrew Jarrett, Deputy Chief Executive (S151)
(ajarrett@midddevon.gov.uk)

Circulation of the report: Leadership Team and Cabinet



Delivering housing through companies

Mark Cook

Anthony Collins Solicitors LLP

The legal framework

YOUR SPEAKER TODAY



Page 26

Mark Cook
Partner

Contact Details

T: 0121 214 3636

E: mark.cook@anthonycollins.com

Anthony Collins
solicitors

Today's content

- The context for Mid Devon
- Reasons why local authorities use companies to deliver housing
- Hertsmere Council – an example
- Blackpool Council – an example
- Council powers
- Procurement implications
- What exactly is a Teckal company?
- Other considerations
- Business cases and business plans
- Examples from elsewhere
- Actions



The context for Mid Devon

- Draft Housing Strategy for Mid Devon 2021-2025
- “How and where we procure and deliver new Council Housing can be done in several ways and the benefits of each will be weighed up and assessed on a business case basis for each site.”
- Options include: “Direct award to a ‘Teckal’ company”.



Reasons why local authorities use companies to deliver housing

- To intervene in the local housing market
- To build new housing for sale and also housing for rent (market or affordable)
- To generate a revenue stream
- To optimise development consistent with the Local Plan
- To establish a local responsible landlord of repute
- To enable access to Homes England grant (especially if it is a registered provider)
- To influence the development to a degree greater than possible with a sale of the site to the market
- To fulfil council priorities e.g. attract young people with skills to support the local economy
- To optimise environmental benefits around carbon neutrality
- To enable council-owned sites that are marginal in commercial viability to be developed



What happens in practice

- Council forms development company
- Council sells a site to the company
- Council lends the company the money to buy the site and to build the houses – at commercial rates
- Majority of houses are sold into the market for sale
- Some houses are sold to a parallel landlord company for renting out at market or sub-market levels
- Real social housing is acquired by the Council or sold to a registered provider (which might be a further vehicle established by the Council)
- Borrowing repaid from sale proceeds
- Profit reinvested in further developments or distributed as dividend to the Council



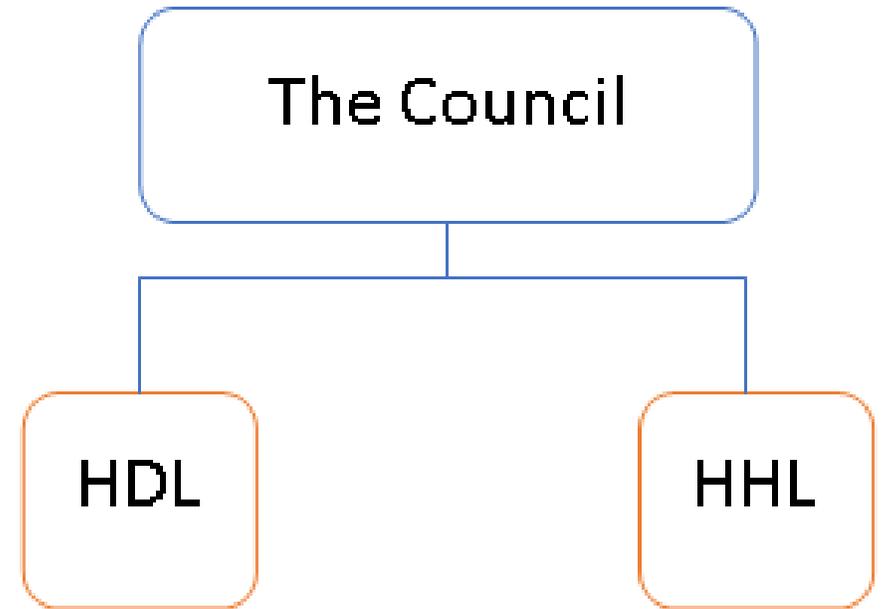
Examples from elsewhere

Anthony Collins
solicitors

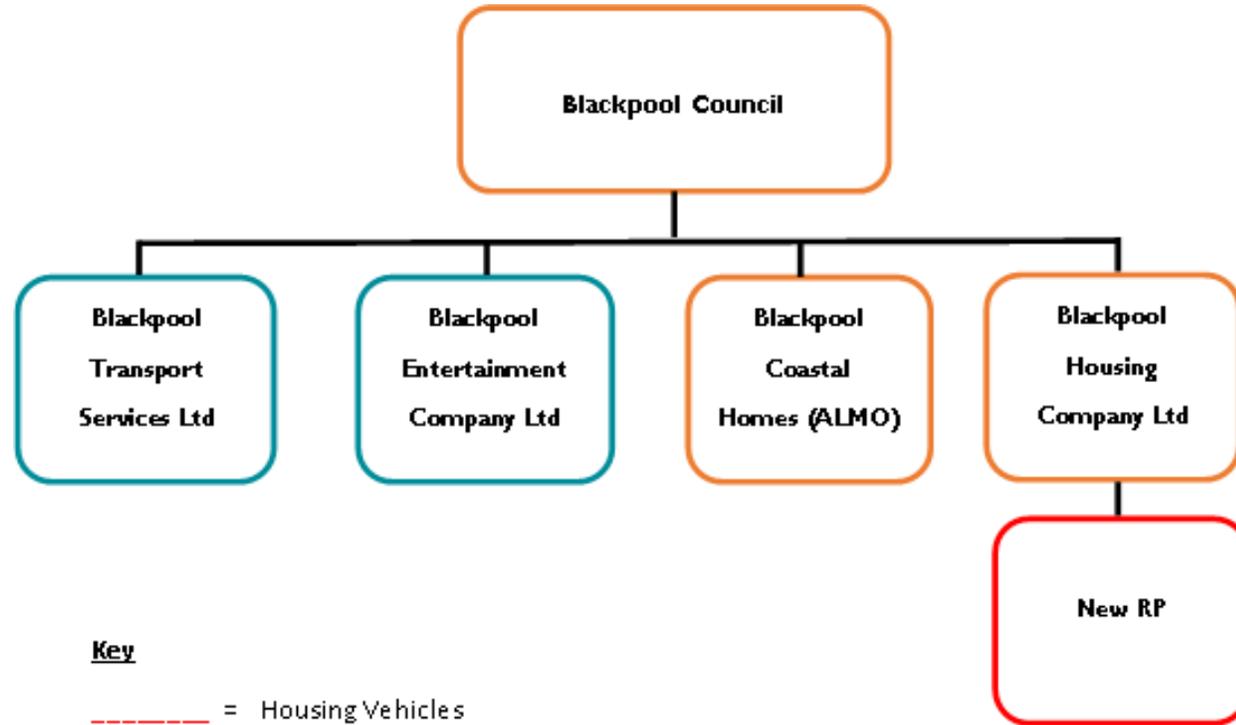


Example- Hertsmere Borough Council

- Hertsmere Developments Limited
- Hertsmere Homes Limited
- Exploring a registered provider
- Considering joint ventures



Example- Blackpool Borough Council



Council powers

- General power of competence
- Power to trade
- Power to borrow
- Power to invest
- Power to acquire land
- Power to dispose of land
- Power to provide housing accommodation
- Power to provide financial assistance for “privately let housing”



Procurement implications

- Public Contracts Regulations 2015
- Is the Council procuring works, services or goods?
- Is the Council acquiring land?
- Key definition- public works contract – especially (c) “the realisation, by whatever means, of a work corresponding to the requirements specified by the contracting authority exercising a decisive influence on the type or design of the work”
- Council standing orders



What exactly is a Teckal company?

- 3-pronged test:
 - Control similar to that over its own departments
 - More than 80% tasks entrusted by the controlling authority or “other persons controlled by that” authority
 - No “direct private capital participation”
- Control = decisive influence by the authority or an entity it controls in the same way



Flexibilities with local authority companies

- To Teckal or not to Teckal?
- The Teckal vehicle can provide works, services etc to its controlling authority without PCR 2015 tenders and any other controlled company (even non-Teckal if no private capital) - and vice versa
- Any controlled company (even non-Teckal) in the Council's group can entrust to the Teckal vehicle works and services which will therefore fall within the 80% limit



Other considerations

- Best consideration
- Subsidy controls (formerly state aid)
- Tax (esp.VAT)



Business cases and business plans

- Business cases - by the Council
- Business plans - by the Company



Actions

Anthony Collins
solicitors





Anthony Collins
solicitors

QUESTIONS?

Anthony Collins Solicitors
134 Edmund Street
Birmingham
B3 2ES
United Kingdom
Tel: 0121 200 3242

Anthony Collins Solicitors
76 King Street
Manchester
M2 4NH
United Kingdom
Tel: 0161 470 0310

info@anthonycollins.com
anthonycollins.com
Twitter: @ACSLLP

Disclaimer: Whilst every effort has been made to ensure the accuracy of these materials, advice should be taken before action is implemented or refrained from in specific cases. No responsibility can be accepted for action taken or refrained from solely by reference to the contents of these materials. © Anthony Collins Solicitors LLP 2021

This page is intentionally left blank

HOMES POLICY DEVELOPMENT GROUP 14 SEPTEMBER 2021

HOUSING SERVICE DELIVERY REPORT

Cabinet Member(s): Councillor Bob Evans
Responsible Officer: Mrs Claire Fry, Operations Manager for Housing Services

Reason for Report and Recommendation: To provide an update to Members on enforcement and other activity undertaken by Officers in the Housing Service

Recommendation: Members are asked to note the report

Financial Implications: The activity of the landlord service spans both General Fund and the Housing Revenue Account (HRA). The HRA is ring fenced and subject to specific financial controls.

Budget and Policy Framework: Policies agreed by the Homes Policy Development Group govern the work of the landlord service. The HRA is funded in large part by rental income and therefore maintaining the revenue stream must be a key priority for the Housing Service.

Legal Implications: Tenancy management is funded through the HRA. The tenancy agreement defines the Council's relationship with tenants and sets out the rights and responsibilities of both parties. This takes account of legal and regulatory requirements. The Housing Act 1985, the Localism Act 2011 and the Anti-social Behaviour, Crime and Policing Act 2014 contain many provisions which must be taken into account by the Housing Service.

Risk Assessment: The landlord service has approximately 3,000 homes in management which represents a huge investment. Failure to provide an effective tenancy management service has the potential to result in failure to meet legal and statutory obligations including those relating to health and safety issues, tenancy fraud, and potential negative publicity in the event of, for example, a serious fire or anti-social behaviour leading to residents on an estate feeling stigmatised. Failure to collect rental income could impact the ability to fund necessary management and maintenance activities.

Equality Impact Assessment: There is a suite of housing related policies. The use of these helps to ensure that service delivery is consistent and fair. There is a regulatory requirement for registered providers of social housing to tailor their service to meet the needs of the tenants and the Housing Service requests diversity data from tenants to enable compliance to be monitored.

Relationship to Corporate Plan: Homes and the environment are a priority for the Council and this includes increasing the supply of affordable homes in the District and also supporting and growing active tenant engagement.

Impact on Climate Change: We recognise that the provision of sustainable communities is important. As part of our commitment to meeting the provisions of the Tenant Involvement and Empowerment Standard within the Regulatory Framework for Social Housing, the Council offers a menu of involvement which

provides opportunities for tenants to get involved in service delivery. We use social media to promote sustainability and publish information relating to a variety of topics including fuel efficiency, recycling and healthy living.

With regard to the homes in our management, our repairs and improvements strategies are informed by the need to reduce carbon emissions; and the need to reduce fuel poverty is also a key consideration.

Officers sometimes have to respond to emergencies such as those arising from serious incidents of anti-social behaviour. In such cases, safeguarding concerns will take priority in order to minimise risk and it is accepted that the ability to manage such issues effectively may have an environmental impact which would not occur if work can be planned in advance and managed in a more co-ordinated way.

1.0 Introduction/Background

1.1 The Housing Service has certain responsibilities associated with tenancy management and safeguarding. The discharge of these duties can be resource-intensive and involve significant enforcement activity. The aim of this report is to show the range of action taken over the first quarter of 2021/22 which covered the period from 1 April 2021 until 30 June 2021.

1.2 Appendix 1 shows a summary of enforcement and other related activity and Appendix 2 shows a summary of safeguarding activity undertaken in connection with the wellbeing of tenants, members of their households or anyone else, regardless of whether they live on our estates, where a concern has been identified.

1.3 The report differs from that seen last year because it no longer contains data relating to the Council's statutory obligations with regard to the prevention and management of homelessness. The work associated with these obligations is funded through the General Fund. Following the recent restructure, the Officers responsible for strategic housing work now report to the Operations Manager with responsibility for Public Health and Housing Options. For this reason, this particular report will remain focused on activity funded through the Housing Revenue Account (HRA) as undertaken by the Neighbourhood teams responsible for managing our own housing stock.

2.0 Enforcement Activity

2.1 The Regulator for Social Housing (RSH) operates the regulatory framework which contains a number of standards which set out the required outcomes and specific expectations associated with the performance of registered social landlords (RPs).

2.2 The Neighbourhood and Community Standard contains provisions relating to the management of anti-social behaviour and in line with these, RPs are expected to work in partnership with other agencies to prevent and tackle anti-social behaviour in the neighbourhoods where they own homes

2.3 Neighbourhood Officers in the HRA Estates team are responsible for managing nuisance and anti-social behaviour. Due to two Officers leaving the

employment of the Housing Service, the team has been quite short-staffed over recent months. Another Neighbourhood Officer moved over from the Income team to provide support and the Neighbourhood Team Leaders also prioritised frontline work in order to maintain an acceptable standard of service delivery. However, during the first quarter of the year, the team was instructed to focus on the key priorities which were identified as being the management of serious anti-social behaviour, safeguarding issues and health and safety in order to minimise risk.

- 2.4 The management of serious anti-social behaviour can be time-consuming given the need to gather evidence, work with witnesses and liaise with other partner agencies. Officers may also need to provide reassurance to members of the local community.
- 2.5 The work can also be challenging given the issues which may be presented and the conflicting accounts about what is happening.
- 2.6 The report in Appendix 1 shows the range of work associated with the management of anti-social behaviour under the heading: "Neighbourhood and Community Standard".
- 2.7 The report shows that during the three months the Estates team used community based means of resolution to address anti-social behaviour with the aim of making those engaged in disputes take responsibility for moving things forward. Acceptable Behaviour Agreements and Good Neighbourhood Agreements involve perpetrators agreeing to abide by some conditions. These conditions can be both positive and negative. The Agreements can be monitored and if those who have signed up to them fail to behave as expected then the case will be escalated.
- 2.8 During the quarter, the Estates team was also involved in the twice yearly Neighbourhood Walkabouts. This first tranche this year led to a lot of additional work due to the fact that the restrictions on movement last year had impacted the ability of staff to visit our estates as frequently as they have done in the past.
- 2.9 As a result of the pandemic, the pause on evictions continued until 31 May 2021.
- 2.10 The HRA Income Team worked differently during 2020/21 in an effort to support those households who may have been experiencing financial difficulty to sustain their tenancies. This new way of engaging with tenants continued into 2021/22. The team makes contact with those who owe rent to discuss their circumstances and to offer advice and information as appropriate. The Officers work closely with the Council's Customer Welfare Officer and other agencies, including the Department of Work and Pensions (DWP) to maximise incomes. The approach is one which is more collaborative and involves having open and honest conversations with those who may have multiple debts. The team has been signposting and referring tenants to other agencies which can help, as appropriate.

2.11 However, Officers were able to serve Notices of Seeking Possession during the quarter in order to protect the interests of the Council and it can be seen that 35 were served. It should be noted that the notice required in respect of anything but the most urgent and serious cases was increased as a result of the pandemic. This is being reduced as time goes on but it does mean that Officers may not be able to refer cases for hearing by the County Court for some months.

2.12 There were no cases during the quarter which resulted in possession of a property being awarded to the Council. The Courts have started hearing cases now and are currently prioritising the most serious cases

3.0 **Safeguarding Activities**

3.1 Every Officer of the Council is required to undertake safeguarding training on a periodic basis. Safeguarding activity is given a very high priority and it can be noted that during the quarter, housing management staff opened one domestic abuse case and made two safeguarding referrals as a result of concerns.

4.0 **Recommendation**

4.1 Members are asked to note the report.

Contact for more Information: Mrs Claire Fry, Group Manager for Housing Services, telephone: 01884 255255 (and request a call-back), email: cfry@middevon.gov.uk

Circulation of the Report: Councillor Bob Deed, Leader of the Council; Councillor Bob Evans, Cabinet Member for Housing; other Members of the Cabinet & Leadership Team; Corporate Management Team & other relevant Managers

List of Background Papers:

The Regulatory framework for social housing:

<https://www.gov.uk/guidance/regulatory-standards>

Appendix 1

Service Delivery – Enforcement Activities

Neighbourhood & Community Standard – Housing Revenue Account – Estates Team						
	Q1	Q2	Q3	Q4	YTD	Comments
Fraud cases opened	0					
Fraud cases referred to an external investigator	0					
Acceptable Behaviour Agreements signed	2					
Good Neighbourhood Agreements signed	2					
Community Protection Notice warnings issued	0					
Community Protection Notices issued	0					
Possession Actions commenced on grounds of ASB	0					
Closure Orders – obtained	0					
Injunctions sought	0					
Evictions on grounds of anti-social behaviour/ other tenancy breach	0					

Page 47

Income Recovery – Housing Revenue Account – Income Team						
	Q1	Q2	Q3	Q4	YTD	Comments
Notice of Seeking possession served	35					
Judgement obtained	0					
Warrants issued	0					
Evictions on grounds of rent arrears	0					

Appendix 2

Service Delivery – Safeguarding Activities

Neighbourhood & Community Standard – Housing Revenue Account						
	Q1	Q2	Q3	Q4	YTD	Comments
Domestic abuse cases opened	1					
Domestic abuse cases referred to Multi-agency Risk Assessment Conference (MARAC)	0					
Safeguarding referrals made (to all agencies)	2					

