

MINUTES OF A MEETING OF THE
OVERVIEW AND SCRUTINY COMMITTEE
HELD IN THE COUNCIL CHAMBER,
WALLFIELDS, HERTFORD ON TUESDAY 2
NOVEMBER 2021, AT 7.00 PM

PRESENT: Councillor J Wyllie (Chairman)
Councillors S Bell, R Buckmaster, A Curtis,
I Devonshire, H Drake, J Frecknall,
M Goldspink, D Hollebon, D Snowdon,
M Stevenson, N Symonds and A Ward-
Booth

ALSO PRESENT:

Councillor P Boylan

OFFICERS IN ATTENDANCE:

Lorraine Blackburn	- Scrutiny Officer
Amy Ditcham	- Policy and Projects Officer
James Ellis	- Head of Legal and Democratic Services and Monitoring Officer
Jonathan Geall	- Head of Housing and Health
Peter Mannings	- Democratic Services Officer
Katie Mogan	- Democratic Services Manager
Jane O'Brien	- Senior Environmental

Health Officer
(Residential)

208 APOLOGIES

There were no apologies for absence.

209 MINUTES - 7 SEPTEMBER 2021

Councillor Snowdon proposed and Councillor Goldspink seconded, a motion that the Minutes of the meeting held on 7 September 2021 be confirmed as a correct record and signed by the Chairman.

After being put to the meeting and a vote taken, this motion was declared CARRIED.

RESOLVED – that the Minutes of the meeting held on 7 September 2021, be confirmed as a correct record and signed by the Chairman.

210 CHAIRMAN'S ANNOUNCEMENTS

The Chairman reminded Members that the meeting was being webcasted and they should use their microphones when addressing the meeting to guide the cameras.

211 DECLARATIONS OF INTEREST

There were no declarations of interest.

212 PROPOSED EAST HERTS PRIVATE SECTOR HOUSING ASSISTANCE POLICY

The Executive Member for Neighbourhoods submitted a report in respect of the proposed East Herts Private Sector Housing Assistance Policy. The Head of Housing and Health said that the policy detailed the way in which the Council provided financial and other assistance to owners and occupiers of private sector housing within East Herts.

Members were advised that the report and the proposed policy set out how the Council could assist those in the private housing sector. The main shift in focus was moving away from a grant based system to a loans based regime and it was hoped that the Council could assist a greater number of residents through this policy.

The Executive Member for Neighbourhoods said that moving from a grant to a loan policy provided the Council with the ability to support much more vulnerable families. He said that this had been agreed as part of the budget process for 2021/22.

Councillor R Buckmaster asked whether Housing Associations were eligible to claim for the loans referenced at paragraph three of the report. Councillor Boylan said that Housing Associations were not eligible to apply for decent homes loans as these were intended to support vulnerable home owners where the property did not meet the government's decent homes standard.

Councillor Boylan said that housing associations were not eligible as they were subject to separate national arrangements whereby resources and other assistance was made available to them to ensure that all of their properties met the decent homes standard by the national target date back in 2010. He stated that since 2010, housing associations had become subject to the homes standard that had been set by the regulator of social housing. Councillor Boylan said that funding from Homes England was available to support business plans of housing associations.

Councillor R Buckmaster asked if the Executive Member could explain what was recommended for those who did not qualify for a loan, such as those in old properties who could not install cavity wall installation.

Councillor Boylan said that these new loans were intended to support the most vulnerable. There was a test of resources available to establish applicants who could otherwise apply for a commercial loan. He said that in this way the Council could focus its efforts and resources on those residents unable to pay for this on the open market.

Councillor Boylan talked about the test of resources and touched on the advice being given to residents if the amount the Council believed they could contribute exceeded the cost of the works. He said that the smaller homes insulation grants for loft or cavity wall insulation were not means tested and were made available to all as a relatively simple step to makes homes more energy efficient.

Councillor Boylan said that for harder to treat properties, including those with solid or non-cavity built walls, the Council would actively continue to advise residents of existing locally or nationally administered schemes. He talked about the regular monitoring of possible new schemes based on funding made available from time to time from central government.

Councillor Boylan said that in the past national schemes had not always covered the full cost of works and in such cases the Council would consider whether it was appropriate for applicants to apply for a decent homes loan to top up the grant subject to means testing.

Councillor R Buckmaster asked whether this scheme covered properties which were listed and if so, did the scheme allow residents in listed buildings to make use of the scheme. Councillor Boylan said that there was no specific restriction preventing the owners or occupiers of listed buildings from applying for a decent homes loan. He said that planning or listed building consent might be required depending on the works that were required and these costs could be included in the total loan up to the £30,000 cap.

Councillor R Buckmaster said that the report stated that where family members were used to carry out any work on a property, the Council would only repay the material costs, not labour costs. She asked why this was the case.

Councillor Boylan said that in previous years, the Council had provided decent homes grants under powers outlined in the Housing Grants Construction and Regeneration Act 1996. He said subsection four of section 37 of the act specifically prevented the authority from accepting an invoice from the applicant or a family member. He said this restriction still applied to disabled facilities grants although the restriction had been removed from other grants and loans with the introduction of the regulatory reform housing assistance England and Wales Order 2002.

Councillor Boylan concluded that the Council had chosen to retain the restriction in order to maximise the probity of the use of its funds and of particular note, he said it might be difficult to determine the competence and experience of a family member.

Councillor Boylan said that should the Authority pay for works provided by a family member, the Council could find itself in the position of directly being a contractor of works and would therefore be deemed to be employing the subcontractors. He said that under the HM Revenue and Customs construction industry scheme, the Council would need to register with the scheme and deduct money from the payments to the subcontractor and pass this onto HMRC as advance payments towards a subcontractors tax and national insurance liabilities.

Councillor Boylan said that the proposed policy would however allow the Council to accept an invoice from a limited company where there was family involvement in the company.

Councillor Stevenson asked if the Executive Member could confirm that residents would not be penalised for those properties which were difficult to insulate. She also asked about what percentage uptake the Council expected to achieve in terms of those wishing to apply for insulation loans.

Councillor Boylan said that homes insulation grants were aimed at assisting residents with relatively straightforward and lower cost insulation works. He recognised that some solid walled properties were harder to insulate and in such situations, the policy allowed for a potential combination of grants from national programmes with loans provided by East Herts Council. He said that in this way, it was anticipated that the Council could expand the reach of its advice and intervention.

Councillor Stevenson asked if the Council had spoken to other local authorities in respect of uptake numbers in terms of advice. The Head of Housing and Health said that Officers worked closely with partners across Hertfordshire in respect of these insulation schemes, in particular the South East Energy Hub was an agent for a new local authority delivery scheme.

The Senior Environmental Health Officer (Residential) said that in developing the policy, Officers had spoken to other local authorities in Hertfordshire and East Herts was broadly in line with other policies. She said that in respect of smaller insulation grants and in terms of uptake approximately £6,000 had been spent of the £20,000 budget.

Councillor Curtis referred to the decent home loans and said that he had noted that an interest rate had been set at 4.5%. He stated that there was no provision at all for that number to move up or down with interest rates nationally over the coming years. He asked if it would be prudent to have some way for the interest rate that had been set to track national interest rates.

The Head of Housing and Health said that Officers had taken advice from the Head of Strategic Finance and Property. He said that there was provision within the policy to modify the interest rate and this would be kept under review and any revisions would be publicised on the Council's website.

Councillor Goldspink said that she liked the introduction to the policy and in particular the reference to the District Plan and the wording that said that everyone was entitled to a decent home. She also referred to the link between good housing and health and how important that was.

Councillor Goldspink said that she liked the section of the policy that referred to the importance of energy efficiency and how the Council might address the poor efficiency of some houses by the provision of grants. She referred to the wording that stipulated that no applications could be accepted for works required to reinstate any dwelling designated as defective. She asked why.

The Senior Environmental Health Officer (Residential)

said that sometime ago there was a major programme to address defective homes. She referred to subsequent legislation that prevented the Council from offering such grants when government assistance was available.

Members were advised that some post war properties that had been built rapidly were particularly hard to treat and would require more than the £30,000 that was on offer. The Head of Housing and Health said that housing legislation referred to specific types of property that had been built with non-standard methods of construction and many of these dwellings were in the social housing sector.

Councillor Frecknall asked about the East Herts Housing Strategy for 2021/26 and the timeframes for the submission of various housing strategies to Council. The Head of Housing and Health said that the housing strategy would be submitted to the 18 January 2022 meeting of Overview and Scrutiny. He acknowledged how the differing submission timetables affected the Policy now before Members.

Councillor Boylan said that he had hoped to bring the housing strategy to this meeting but a view had been taken that further work was required. He said that the policy now before Members was captured within the new Housing Strategy, which would be coming to Council in March 2022. He suggested that an amendment be made to the policy with the word "proposed" being inserted in front of the reference to the "Housing Strategy".

Councillor Symonds asked roughly how many grants and loans had been given out. The Head of Housing and Health said that he would email Members with this information. Councillor Devonshire referred back to the points made by Councillor Goldspink regarding defective homes. He asked if the £30,000 loan could be used to repair a concrete framed house.

The Head of Housing and Health said that if there was a specific problem such as an issue with insulation that could be addressed by this programme than that could be looked at. He said however that the Council would not be in a position to assist with a loan to fix a defect that was integral to the structure of a home. This could mean rebuilding a property from scratch.

Councillor Bell referred to page 13 of the report and said she was pleased to see this was going well and there had been some take up. She wondered whether the scheme could be expanded to include properties that were insulated prior to 2000 where asbestos might have been used with a material that met modern health and safety standards.

The Senior Environmental Health Officer (Residential) said that asbestos was often a concern and that asbestos was best left undisturbed where possible. However, as this could be a category one hazard it could be covered by a decent home loan rather than the £100 to £200 grant for insulation. She confirmed to Councillor Bell that the decent home loan would cover the provision of good insulation to avoid the hazard of a home with high heat loss.

Councillor Frecknall asked about the provision of small grants for emergency repairs. He referred to page 7 of the report and the reference to the repayment of capital by the recipient and asked for greater clarity on this as this sounded more like a loan.

The Senior Environmental Health Officer (residential) said that this small grant was included because it was often the case that some immediate emergency work needed to be done outside of the longer timescales for loan applications. She said that this grant would have no interest charged on it and was like previous grants which became a charge on the property.

Councillor Ward-Booth proposed and Councillor Goldspink seconded, a motion that the Overview and Scrutiny Committee supports in principle, the proposed new policy for private sector housing assistance, subject to the change in wording suggested by the Executive Member for Neighbourhoods regarding the inclusion of the word "proposed" in front of the reference to the "Housing Strategy".

After being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED – that the Overview and Scrutiny Committee supports in principle, the proposed new policy for private sector housing assistance, subject to the change in wording suggested by the Executive Member for Neighbourhoods regarding the inclusion of the word "proposed" in front of the reference to the "Housing Strategy".

213 PERFORMANCE REPORT FOR Q1 AND Q2 OF 2021/22

The Executive Member for Financial Sustainability submitted an update report regarding progress towards the 4 SEED themes set out in the Council's Corporate Plan.

The Chairman said that emailed answers would be forwarded to Members in the absence of the Executive Member for Corporate Services. The Scrutiny Officer said that she would email responses from the Executive Members to Overview and Scrutiny Members.

Councillor Goldspink said that she was happy to support the noting of the report. She asked for a list of the acronyms in future as she had struggled to find the meaning of some of these in the papers.

Councillor Curtis said that the wording "digital be default" corporate priority when this should have read "digital by design" as per the SEED acronym. He made a general comment about the completion of actions and said that Overview and Scrutiny Committee had not had the opportunity to review these actions.

Councillor Curtis referred to fibre broadband direct to new developments. He commented that this would be in place for the Harlow and Gilston Garden Town and he asked whether there was any clarity as to whether this would be provided for other developments.

The Chairman said that he would ask Officers to

circulate some written responses to Members which would include the matter of contracts and overdue reports. He said that Members could email specific queries to Executive Members.

The Head of Legal and Democratic Services clarified that the wording of “digital be design” had now been changed to “digital by default”. Councillor Devonshire asked a question about the Millstream Property Investment Business Plan and the wording in respect of purchasing properties. He sought and was provided with clarity on this issue. Councillor Bell said that she believed that the Council already owned the land in Watton at Stone.

Members received the report.

RESOLVED – that the update report be noted.

214 COMMUNICATIONS UPDATE

The Head of Communications, Strategy and Policy submitted an update report in respect to of the Council’s corporate communications activities, including recent highlights, performance monitoring, challenges and work underway to develop a new strategy and plan.

The Chairman said that there were some questions notified to the Executive Member in advance and he would ask Officers to circulate the written responses to Members. Members received the report.

RESOLVED – that the update report be noted.

215 OVERVIEW AND SCRUTINY - DRAFT WORK PROGRAMME
2021/22

The Scrutiny Officer said that this was the usual work programme Members received at each meeting of Overview and Scrutiny Committee. She said that a number of substantive items had been delayed to the meeting on 18 January 2022.

Councillor Curtis said that he had requested an update report in respect of the healthy hubs and the role out of these.

Councillor Bell commented on the massive increase in complaints from residents in housing association properties in her ward. She said that the communication between parties had been quite poor in recent months.

Councillor Bell asked whether it could be time to consider calling the housing associations in to attend Overview and Scrutiny to answer questions as to how they had been handling requests and complaints now that we were almost two years into the pandemic. She felt it would be a good time to see how the housing associations were meeting the needs of residents. The Chairman urged the Member to complete and submit a Scrutiny Proposal request form for further consideration.

Councillor Curtis commented on the possibility of a future agenda item in reviewing investment opportunities and initiatives in East Herts. The

Chairman urged the Member to complete and submit a Scrutiny Proposal request form for further consideration.

It was moved by Councillor Goldspink and seconded by Councillor Ward-Booth, that the report in respect of digital exclusion be moved to the March 2022 meeting instead of January 2022 and that the report due to be submitted in January 2022 in respect of supporting vulnerable residents be made an update report only.

After being put to the meeting and a vote taken, the motion was declared CARRIED. It was moved by Councillor Ward-Booth, and seconded by Councillor Bell, that the draft consolidated Work Programme be approved, as amended.

After being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED – that (A) the main agenda items for the next meeting be agreed.

(B) the proposed Consolidated Work Programme, included at Appendix A, be approved as amended.

216 URGENT ITEMS

There was no urgent business.

The meeting closed at 7.52 pm

Chairman

Date