

Minutes



Meeting name	Cabinet
Date	Wednesday, 20 January 2021
Start time	4.00 pm
Venue	Via Zoom

Present:

Chair Councillor J. Orson (Chair)

Councillors L. Higgins (Vice-Chair) R. de Burle
A. Freer-Jones A. Pearson

Observers Councillor R. Bindloss
Councillor P. Cumbers
Councillor J. Douglas
Councillor C. Evans

Officers Chief Executive
Director for Housing and Communities
Director for Corporate Services
Director for Growth and Regeneration
Assistant Director for Governance and Democracy
Assistant Director for Planning and Delivery
Democratic Services Manager
Democratic Services Officer (CR)

Minute No.	Minute
142	<p>APOLOGIES FOR ABSENCE There were no apologies for absence.</p>
143	<p>MINUTES The minutes of the meeting held on 16 December 2020 were confirmed and authorised to be signed by the Chair.</p>
144	<p>DECLARATIONS OF INTEREST Councillors Orson and Pearson each declared an interest in any items relating to Leicestershire County Council, due to their roles as a County Councillors.</p>
145	<p>MATTERS REFERRED FROM SCRUTINY COMMITTEE IN ACCORDANCE WITH SCRUTINY PROCEDURE RULES No items had been referred from Scrutiny Committee in accordance with the Scrutiny Procedure Rules.</p>
146	<p>APPROVAL OF A REVISED SECURE TENANCY AGREEMENT Andrew Cotton, Director for Housing and Communities introduced the report, the purpose of which was to seek approval to adopt a new Tenancy Agreement for the Council's residential landlord function with effect from April 2021.</p> <p>Mr. Cotton advised that provision of high quality council homes and landlord services was a high priority for the Council. The tenancy agreement was key to the delivery of this commitment and due to a number of changes in legislation, policy and practice, the existing agreement was in need of revision and updating.</p> <p>Mr. Cotton confirmed that the Council had undertaken consultation and engagement work with tenants and with the Tenants Forum and Executive Committee (TFEC), the results of which were reflected within the draft agreement before Members (and summarised at paragraph 5.6 of the report). A summary of amendments to the existing agreement was detailed within the table at paragraph 5.5 of the report. If adopted, the revised agreement would be implemented on 5 April 2021 and the Council would need to give formal notice of this at least four weeks before this date.</p> <p>Mr. Cotton highlighted that permission to use the painting of Holwell on the cover of the agreement had been given by the artist, a centenarian resident of Gretton Court and the words on the cover ('Working Together'), had been suggested by TFEC.</p> <p>Councillor Alan Pearson, Portfolio Holder for Housing and Communities thanked Mr. Cotton and his team, noting that the revised agreement was the product of a great deal of work. The most important aspect of this work had been the consultation process. The agreement set out both Council responsibilities (as landlord) and tenant responsibilities and active engagement from both tenants and</p>

TFEC had been vital.

During discussion the following points were noted:

- Members thanked Mr. Cotton and his team for their work.
- Members were pleased with the revised agreement, noting it was comprehensive and detailed both Council and tenant responsibilities clearly.
- Members were pleased with the consultation process. The views of tenants were crucial to the revision of the agreement.
- TFEC were supportive of the revised agreement.
- The existing agreement had not been significantly amended for a number of years and it was important to review and update the agreement periodically, in line with amendments to legislation.
- Paragraph 11 (Equalities and Safeguarding Implications) reassured Members that measures were in place to effectively ensure that all tenants would be able to access and understand the revised agreement, with additional support available if needed.

Cabinet

- 1) **NOTED** the content of the report and the responses received to the consultation on the revised Tenancy Agreement;
- 2) **APPROVED** the proposed Tenancy Agreement (to be effective from 5 April 2021);
- 3) **DELEGATED** authority to the Director for Housing and Communities:
 - to serve the Notice of Variation;
 - to make any minor formatting and/or wording amendments to the proposed tenancy agreement if required.

Reason for the decision

The Council's Corporate Strategy 2020-24 commits to "providing high quality council homes and landlord services" as Priority Theme Two. An understanding of the rights and responsibilities of both landlord and tenant is a keystone of the delivery of this theme; a clear, unambiguous tenancy agreement is vital to this.

The current tenancy agreement has been reviewed to take into account changes in legislation and good practice; there are a number of new subsections that have been introduced to the revised tenancy agreement to make it easier to identify clauses.

The numbering, titles and layout of the revised Tenancy Agreement has been adapted to make the agreement easier to read and understand and to be more "user friendly". A new introductory section which sets out the key rights of tenants has been included at the start of the agreement at the suggestion of the Tenants Forum Executive Committee. This allows tenants to see at a glance their key rights such as the right to be consulted or the right to make improvements.

The tenancy agreement is the single most important document defining the relationship between the Council and its tenants. The current tenancy agreement has been in place for a number of years and does not reflect current legislation, or give the Council as a residential landlord the ability to properly manage its properties – for example, to be able to gain access to carry out inspections. The revised tenancy agreement resolves these issues.

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APPROVAL OF HOUSING MANAGEMENT POLICIES

Andrew Cotton, Director for Housing and Communities introduced the report, the purpose of which was to seek approval to adopt a number of new policies in relation to the Council's residential landlord function with effect from April 2021.

Mr. Cotton advised that a clear and comprehensive policy framework was vital to the Council achieving its priority of high quality housing and landlord services. The policies before Members sought to address a number of high risk areas. They had been developed in consultation with colleagues in frontline services, the Legal and Finance teams, Scrutiny Committee and TFEC.

Mr. Cotton highlighted the key aspects of each policy:

- Voids Policy – this was an area of high importance for the Council, as landlords responsible for the efficient letting of homes at the right time to the required standard. The Council was committed to undertaking necessary works and capital works (kitchens, bathrooms and re-wires) remained a key focus). An up to date policy statement and re-let standard was vital to delivery in this area;
- Tenancy Management Policy – provided a framework for legal action available to the Council, as a last resort and once all alternatives had been exhausted and to protect the Council and the wider community.
- Right to buy Policy – confirmed the Council's approach in preventing fraud relation right to buy and to ensure that tenants statutory rights were respected and honoured. There was also provision within the policy for the Council to apply to the Secretary of State for a 'rural designation' (restricting the re-sale of properties lost to right to buy). If agreed, this would apply to approximately 25% of the Council's housing stock. The areas identified were detailed at appendix C2.
- Aids and Adaptations Policy – this detailed the adaptation of existing homes, ensuring their suitability for people with need adjustments and sought to make the best use of the Council's housing stock, in order that the housing needs of tenants and the borough was met.
- Domestic Abuse Policy – drew together a number of existing practices within the Council and defined the Council's zero tolerance approach to domestic violence (supporting victims of domestic abuse and taking robust action against the perpetrators).

Councillor Alan Pearson, Portfolio Holder for Housing and Communities thanked Mr. Cotton for his work in updating these policies, in line with amended legislation and noted that thorough consultation and engagement had taken place. He

highlighted that much work had been undertaken to improve the Council's performance on void properties and the Voids Policy would strengthen this work. Concerning domestic abuse, in addition to the Policy, the Council was working with Leicestershire County Council (LCC) and other district councils on tackling domestic abuse in the form of projects such as the Perpetrator Programme. He reiterated that the Council aimed to support its tenants but legal action, as detailed in the Tenancy Management Policy needed to be available if all other action to resolve issues had been exhausted.

During discussion the following points were noted:

- Members thanked Mr. Cotton, his team and Councillor Pearson for their work.
- Members thanked Scrutiny Committee for their review of the policies and the feedback they had provided, noting the detailed review undertaken by the Committee on the Council's void properties in 2019, the results of which were reflected within the Voids Policy.
- The policies represented a long overdue set updates, reflecting current legislation and best practice, benefiting both the Council and its tenants.
- Domestic abuse was on the rise and Members were pleased that Melton was joining LCC and other districts to tackle this.
- Cases of domestic abuse were extremely sensitive and the Council had good practices in place to deal with this. The Policy, together with engagement with experts and training providers would underpin the Council's continuous improvement in this area.
- Members highlighted the need for sufficient housing stock availability for emergencies, such as domestic abuse cases, where individuals or families need to be housed immediately.
- It was important to maintain the integrity of the Housing Revenue Account by minimising loss of income due to void properties. Timely repairs was key.
- Members agreed that the option of legal action was needed to safeguard the Council and community. Improvements in this area had been made (including through investment in the Council's Housing and Legal services).
- The Council had set a strong agenda on affordable homes within the borough and inclusion of 'rural designation' within the Right to Buy Policy supported this agenda.
- Cases of domestic abuse were extremely sensitive and the Council had good practices in place to deal with this. The Policy, together with engagement with experts and training providers would underpin the Council's continuous improvement in this area.

Cabinet:

- 1) **NOTED** the contents of the report and the responses received to the consultation on the Policies;
- 2) **APPROVED** the following policies effective from 1 February 2021:

- Void Policy;
- Tenancy Management (Legal Action) Policy;
- Right to Buy Policy;
- Aids and Adaptation Policy; and
- Domestic Abuse Policy.

- 3) **DELEGATED** authority to the Director for Housing and Communities for:
- (in relation to the Right to Buy Policy) making an application to the Secretary of State seeking ‘rural area’ exemption for eligible parishes within Melton Borough;
 - making minor amendments and if required further amendments to reflect changes in regulation or legislation to the policies approved above.

Reason for the decision

The Council’s Corporate Strategy 2020-24 commits to “providing high quality council homes and landlord services” as Priority Theme Two. To achieve this, a clear policy framework is essential. The Council has a number of functions where policy is either out-of-date or reliant on custom and practice, rather than a formally approved policy statement.

The proposed policies apply good practice to the Melton perspective and seek to balance the Council’s business needs with its ongoing commitment to support tenants wherever possible.

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DISPOSAL OF LAND TO ENABLE DEVELOPMENT OF AFFORDABLE HOUSING

Pranali Parikh, Director for Growth and Regeneration introduced the report, the purpose of which was to set out a proposal for the disposal of a small section of access road to the Council’s waste collection depot site at Lake Terrace, in order to enable a development of 90 affordable homes by Nottingham Community Housing Association (NCHA).

Ms. Parikh advised that the Council’s Property team had agreed a commercial deal with developers, which would generate a capital receipt, meet the Council’s obligation to achieve best value and mitigate against any risk or concerns identified.

Ms. Parikh confirmed that the disposal was in line with the Council’s Asset Disposal Policy and met a key objective of the Council’s Corporate Plan (using Council assets to enable housing growth and development within the borough).

Ms. Parikh highlighted the benefits of disposal:

- Developing value
- Generating a capital receipt
- Reducing the Council’s maintenance liability
- Generating a range of social and economic regeneration benefits
- Community benefits through the provision of affordable housing at the site.

- disposal would be simultaneous with Section 38 and Section 278 Agreements with Leicestershire County Council (LCC), meaning that the developer would undertake improvement work on the road and LCC, as Highway's Authority would adopt it as a public highway, maintaining public access and ownership of the road.

Ms. Parikh advised that in consultation with Members, a range of issues had been considered (the concentration of affordable housing on the site, future proofing the Council's waste collection depot site, the Council's commercial interest etc.) The actions for mitigation against these were detailed at section 5 of the report.

Councillor Ronnie de Burle, Portfolio Holder for Corporate Finance and Resources thanked Ms. Parikh and her team, noting the considerable work undertaken. The disposal would:

- Secure the transfer of the land to LCC (as Highways Authority) saving the Council expenditure for maintenance and ensuring public access would be retained.
- Generate significant revenue, which would help to support essential services.
- Provide access for the development of 90 properties, 42 of which were affordable homes. This would potentially produce additional income from council tax and deliver the Council's aspirations to provide more affordable homes close to the town centre.

During discussion the following points were noted:

- Members thanked Ms. Parikh and Councillor de Burle for their work.
- The Environment Agency report had provided reassurance in relation to flooding concerns.
- Members noted that the development represented a £17m investment in the Borough.
- Members welcomed the prospect of building Melton's economy and community through job creation and housing delivery, particularly affordable housing, which would help local people onto the 'housing ladder' and also noted the potential for additional outdoor public space.
- Concerning the overage clause within exempt appendix D, members noted that the obligation referred to in the first paragraph was not applicable to the second paragraph.
- Initial concerns regarding the amount of traffic generated by the site and access to the Council's waste disposal site and allotments had been mitigated (by the road being subject to a maximum speed level and by the road remaining in public ownership).

Cabinet:

- 1) **APPROVED** the disposal of land (the access road at lake terrace);

2) **NOTED** the draft heads of terms;

3) **DELEGATED** authority to:

- the Director for Growth and Regeneration to make minor amendments to the draft heads of terms;
- the Director for Growth and Regeneration to complete the sale;
- the Director for Housing and Communities in consultation with the Portfolio Holder for Housing and Communities to finalise the draft Local Lettings Policy.

Reason for the decision

To increase housing supply both by supporting private development and private landlords, and using council assets to build more homes is a key focus area under priority three of the Council's Corporate Strategy (2020-24).

This proposal will enable the development of 90 affordable homes by providing land for access. The Council has not identified any other use for the access road.

The recommendation of this disposal is in line with the Council's approved Disposal Policy.

The meeting closed at: 4.53 pm

Chair