

## CABINET 2 APRIL 2013

Present: Councillors Birch (in the Chair), Chowney, Cooke, Finch, Forward, Gurney, Hodges, Kramer, Scott, and Westley.

### MATTERS FOR CABINET DECISION

#### **97. DECLARATIONS OF INTEREST**

The following councillors declared an interest in the minutes as follows:

<u>Councillor</u>	<u>Minute</u>	<u>Interest</u>
Chowney	101 – Overview and Scrutiny Review of Partnership Working Management Response	Personal – The Council's nominated Director of SeaChange
Finch	102 – Evict Rogue Landlord Campaign	Personal – Landlord
Scott	101 – Overview and Scrutiny Review of Partnership Working Management Response	Personal – Former Chair of the Quality Bus Partnership

#### **98. MINUTES**

**RESOLVED** – that the minutes of the meeting held on 4 March 2013 be approved and signed by the Chair as a correct record.

#### **99. REVIEW OF CORPORATE ENFORCEMENT AND PROSECUTION POLICY**

The Chief Legal Officer presented a report regarding the review of the Corporate Enforcement Policy; this is an umbrella policy which covers all Council enforcement activity. Enforcement work covers a range of activities, which are the responsibility of different Council departments; all enforcing departments should have a departmental enforcement policy, subordinate to the corporate policy, which will contain details relevant to their specific activities.

The Corporate Enforcement Policy incorporates the principles which government expects enforcing authorities to follow, relevant to the activities of those departments and is intended to enable consistency of approach across the Council. Moreover, the mechanisms set out in the Corporate Enforcement Policy will ensure that enforcement action is properly authorised in each case and will therefore stand up to any challenges by Defence representatives in court.

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The Corporate Enforcement Policy will be subject to annual review by the Chief Legal Officer and any proposed changes will be reported to Cabinet.

### **RESOLVED (unanimously) – that Cabinet approve the review of the Corporate Enforcement Policy**

The reason for this decision was:

1. To ensure that enforcement action Council wide continues to be undertaken in a fair, proportionate and consistent manner.
2. To provide evidence to courts, defendants, businesses and the public that the Council undertakes its enforcement activities in accordance with an approved framework.
3. As Police Community Support Officers (PCSO's) will now be issuing Fixed Penalty Notices on behalf of the Council they should be doing so in accordance with this policy.
4. To incorporate the principles set out in the Enforcement Concordat "Good Practice Guide for England and Wales (July 2003)".

### **100. CRIMINAL RECORDS BUREAU CHECKS FOR MEMBERS**

The Chief Legal Officer presented a report in response to a motion to Council from Councillor Cooke, as follows:-

"That Hastings Borough Council recognise that Councillors of the Borough are in a position of trust and will at times have to enter vulnerable residents' homes in order to execute their duties. Therefore, it agrees that in order to give the highest possible reassurance to residents, all Councillors should be Criminal Records Bureau checked as soon as possible following their election."

The Chief Legal officer explained that, under the Protection of Freedoms Act 2012, 'Regulated Activity' applies to an individual who has "regular, unsupervised contact with vulnerable groups as their main function of employment or who have access to sensitive data concerning these groups", members do not meet this definition. The role of Local Government Councillor is also not listed under the Rehabilitation of Offenders Act 1974 (Exceptions) order 1975 as an occupation which would require a CRB check. Therefore, the Council has no formal responsibility to require members to have a CRB check and it is not clear what benefit the authority, members of the public or the member would obtain. The item was referred to the member training and development group to organise a training session around dealing with vulnerable people.

Councillor Kramer moved approval of the recommendations to the report which was seconded by Councillor Scott.

### **RESOLVED – (unanimously) that Cabinet agrees that there is no legal requirement for members to undertake voluntary CRB**

**checks at present it would seem impractical to pursue this further. A referral will be made to the members training and development group to arrange training for members in dealing with vulnerable people.**

The reason for this decision was:

Councillor Cooke proposed a motion at the 19 December 2012 Full Council meeting that members should have CRB checks. As there was not sufficient information available at the time. Councillor Cooke withdrew the motion on the understanding that a report would be taken to Cabinet in the New Year.

#### **101. OVERVIEW AND SCRUTINY REVIEW OF PARTNERSHIP WORKING MANAGEMENT RESPONSE**

Councillor Webb, as Chair of the Overview and Scrutiny Review of Partnership Working, gave members a synopsis of the review process and recommendations. The Director of Corporate Resources then delivered the management response to the recommendations made by the Overview and Scrutiny Committee for Resources. The review team had acknowledged the wide variety of partnerships in which the Council is involved and members sought to improve understanding of local partnerships and how best to scrutinise partnership working. The review underscored the increasing importance of partnership working in the current economic climate and members had highlighted the Quality Bus Partnership (QBP) and SeaChange for further analysis, including evidence gathering sessions with key representatives from these partnerships. Members noted that this model for evidence gathering may be applied to future reviews. The review team had formulated nine recommendations from the review, which were considered in the management response.

Councillor Cooke suggested that the notes of QBP and Bus Users Group meetings be circulated to all members, rather than scrutiny members as outlined in the report, if the organisations would be agreeable to this.

Councillor Kramer moved approval of the recommendations to the report which was seconded by Councillor Scott.

**RESOLVED – (unanimously) that: -**

- (1) Cabinet thank the Scrutiny Review Team for their report**
- (2) Cabinet approve the management response**

The reasons for this decision were:

To acknowledge the work of the Scrutiny Review Team and the proposals to enhance local partnership working.

#### **102. EVICT ROGUE LANDLORDS CAMPAIGN**

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The Head of Housing and Planning Services presented a report to highlight Shelter's Evict Rogue Landlords campaign. The campaign acknowledged that a minority of landlords in the private rented sector fail to ensure their properties are safe and kept in a good state of repair, which can have a detrimental effect on the health and well being of their tenants. With demand for properties in the private sector likely to increase in the future, these problems are expected to escalate. Shelter had launched the Evict Rouge Landlords campaign to stamp out bad practice by landlords in the private rented sector. The campaign involves members of the public emailing their local council to tell them to 'stamp out rogue landlords in your community'. Local authorities are also invited to show their support of the initiative by signing a statement of support, as follows: -

"We support Shelter's Evict Rogue Landlords campaign and commit to doing all we can to stamp out rogue landlords in our local authority."

Consideration was given to extending the HMO Licensing Scheme to other areas of the town, however, members were mindful of the evidence and resources this would require.

Councillor Forward moved approval of the recommendations to the report which was seconded by Councillor Hodges.

### **RESOLVED – (unanimously) that Cabinet confirm the Council's support of Shelter's "Evict Rogue Landlord" campaign by signing a statement of support**

#### The reasons for this decision were:

Whilst there are many conscientious local landlords who are providing good quality, well managed properties in the private rented sector, there remain a small contingent of landlords who are renting properties which are in a poor state of repair and/or are badly managed. The tenants of these properties, many of whom would be considered vulnerable, are being exploited and are living in unsuitable housing conditions. The negative impacts of this are manifold, both to the tenants, for example through greater risks of ill health, and to the local community.

By signing the statement of support, the Council is publicly stating its commitment to tackling landlords who are breaching housing legislation and providing unsuitable and possibly harmful housing.

### **103. HASTINGS BOROUGH COUNCIL'S ALLOCATIONS SCHEME**

The Head of Housing and Planning Services gave a report to advise Cabinet of changes to the Allocations Scheme. Following changes to Part 6 of the Housing Act 1996 under the Localism Act 2011, local authorities have greater flexibility regarding how they structure their allocation of social housing and restrict access by setting out criteria which will determine who qualifies to join. The Council, in line with other East Sussex authorities, had been reviewing its allocations policy with a view to implementing a new scheme in 2013/14. The

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proposed scheme is underpinned by a principle that all households should have access to a range of housing options (not just social housing) and will be encouraged to consider all solutions to meet their housing need.

The draft policy was made available for a 12 week consultation period, this included contacting all those on the housing register and current social housing tenants in the Borough, publishing the consultation documents on the Council's website, consultation with housing associations and publishing information in about magazine.

Discussion took place regarding a proposed amendment concerning the upper annual income level, but this was withdrawn at the meeting.

Councillor Forward moved approval of the recommendations to the report which was seconded by Councillor Hodges.

### **RESOLVED – (unanimously) that Cabinet adopt a revised Allocations Scheme for implementation in June 2013**

The reasons for this decision were:

The Localism Act 2011 made significant amendments to Part 6 of the Housing Act 1996, relating to the allocation of social housing.

In view of these changes The Council has reviewed its allocation scheme and produced a revised Homemove Allocation Scheme 2013 in consultation with partners and following a statutory 12 week public consultation period.

### **104. HASTINGS BOROUGH COUNCIL TENANCY STRATEGY**

The Head of Housing and Planning Services presented a report on the Hastings Borough Council tenancy Strategy. Under the Localism Act (2011) local authorities are required to produce a tenancy strategy which sets out the Council's views on how registered providers should implement their tenancy policies locally, this strategy must be in place by June 2013. The Hastings Tenancy Strategy seeks to ensure that social housing tenancies are affordable, either assured or fixed term tenancies with a minimum term of 5 years, granted to older people for life, reviewed 6 months in advance of the fixed term coming to an end and in consultation with the local authority, only terminated when the household is no longer eligible for social housing, where there has been a breach of tenancy or where the property is no longer suitable.

A 12 week consultation period with registered providers came to an end on 28 February 2013. No objections on the policy direction content of the tenancy strategy were received and the draft strategy had not been changed.

### **RESOLVED – (unanimously) that Cabinet approve the final tenancy strategy following a 12 week consultation with registered providers**

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### The reasons for this decision were:

The Localism Act (2011) introduces a requirement for all local authorities to publish a tenancy strategy for their areas setting out matters to which social landlords in their areas must have regard when determining their own policies.

The draft strategy was circulated with Registered Providers and stakeholders for comment within a 12 week consultation period which ended on 28 February 2013.

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### MATTERS FOR COUNCIL DECISION

#### **105. PAY POLICY STATEMENT 2013/14**

The Director of Corporate Resources presented a report on the Pay Policy Statement for 2013/14, he advised that the resolution had been amended as follows:-

“That Cabinet recommends the Pay Policy to full council for approval.”

Under the Localism Act 2011, the Council is required to prepare and publish a pay policy statement for each financial year. The statement largely reflects current policy and procedures which had been adopted by Council. The legislation stipulated that full council should be offered the opportunity to vote before large salary packages are offered in respect of new appointments, the report suggested that the threshold for such packages be set at £80,000 including salary, allowances and benefits in kind etc.

Councillor Kramer moved approval of the recommendations to the report which was seconded by Councillor Cooke.

**RESOLVED – (unanimously) that Cabinet recommends the Pay Policy to full council for approval**

The reasons for this decision were:

The Localism Act 2011 requires Hastings Borough Council to prepare and publish a pay policy statement. The purpose of such a statement is to provide information about Council policies on a range of issues relating to the pay of its workforce, particularly its senior staff and its lowest paid employees. A Pay Policy must be prepared for each financial year and must be approved by full council, and published.

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#### **106. MINUTES OF THE MEETING OF THE MUSEUMS COMMITTEE HELD ON 25 FEBRUARY 2013**

The minutes of the meeting of Museums Committee held on 25 February 2013 were submitted;

**RESOLVED – that the minutes of the Museums Committee held on 25 February 2013 be received.**

(The Chair declared the meeting closed at 7.15 pm)