

BIRMINGHAM CITY COUNCIL

CO-ORDINATING O&S COMMITTEE – PUBLIC MEETING

10.00 hours on Friday, 9 December 2022, Committee Rooms 3 & 4,

Council House, Victoria Square, Birmingham B1 1BB

Action Notes

Present:

Councillor Albert Bore (Chair)

Councillors: Akhlaq Ahmed, Jack Deakin, Mick Brown, Mohammed Idrees, Chaman Lal, Ewan Mackey, Saima Suleman, Alex Yip, Roger Harmer

Also Present:

Cllr. Sharon Thompson, Cabinet Member Housing and Homelessness
Guy Chaundy, Acting Assistant Director, Housing Strategy and Enabling
Janie Berry, City Solicitor
James Fox, Senior Enforcement Officer
Graeme Betts, Director Adult Social Care
Nikki Spencer, Digital Projects Manager
Sheraz Yaqub, Business Change Manager
Kalvinder Kohli, Assistant Director Early Intervention and Prevention
Amelia Murray, Overview and Scrutiny Manager
Fiona Bottrill, Senior Overview and Scrutiny Manager

1. NOTICE OF RECORDING/WEBCAST

The Chair advised that this meeting would be webcast for live or subsequent broadcast via the Council's Internet site (www.youtube.com/channel/UCT2kT7ZRPFCXq6_5dnVnYlw) and that members of the press/public may record and take photographs except where there were confidential or exempt items.

The Chair gave notice of one item of urgent business he wanted to discuss with the Committee regarding the length of reports.

2. APOLOGIES

Apologies were submitted on behalf of Cllr. Kerry Jenkins and Cllr. Saima Suleman.

3. DECLARATION OF INTERESTS

Cllr. Yip declared a pecuniary interest in Item 6 as an owner of a House of Multiple Occupation in Birmingham.

4. ACTION NOTES –18 NOVEMBER 2022

The Action Notes of the meeting on the 14 October 2022 were agreed and the Action Tracker was noted. It was agreed that officers would be asked to attend the December meeting to provide updates on the actions from the September meeting if written updates are not provided.

RESOLVED:

- That the action notes of the formal meeting held on 18 November 2022 were agreed.

5. CO-ORDINATING OVERVIEW AND SCRUTINY COMMITTEE ACTION TRACKER

It was noted that there were five actions to be completed. It was reported that four of these have been requested as part of the Cabinet Member's report to the meeting on the 27 January 2023.

RESOLVED:

- That Action Tracker was noted.

6. UPDATE ON RECOMMENDATIONS OF THE EXEMPT ACCOMMODATION SCRUTINY INQUIRY

During the discussion in this item Cllr. Yip declared an interest as an owner of a House of Multiple Occupation in Birmingham.

The Chair introduced the Acting Assistant Director, Housing Strategy and Enabling who provided the update on the recommendations of the Exempt Accommodation Scrutiny Inquiry. The Committee was informed that Council continues to deliver the inspection and oversight activity which has been funded through the Council and a further 2 years of funding has been secured from the Department for Levelling Up and Communities for 2023 – 2025. This funding is slightly less than the current funding but the 'on the ground work' would be retained. At a national level the Parliamentary Select Committee report has been published and Bob Blackman is taking a Bill through parliament to address some of the gaps and create regulation,

clearer standards, introducing licencing for exempt accommodation and a new planning class.

The Action Plan attached as appendix 2 to the report provided an update on the previous reports on the implementation of the recommendations and also the motions agreed at City Council in December 2021 and November 2022. The focus of the presentation was on the recommendations that have not been completed.

In relation to the recommendations regarding covenants on properties owned and sold the Council, Janie Berry, the City Solicitor set out that this was a complicated legal matter that will require a Council policy due to a number of issues including changes in the wording of covenants for right to buy properties over the last 30 years, there can be legal challenges so the most suitable directorate needs to be identified to give instruction, value for money, circumstances on an individual basis in most cases and the roles and responsibilities of other organisations.

The Cabinet Member welcomed the continued focus of the Committee on Exempt Accommodation as national changes may not happen quickly and she highlighted her concern regarding the number of out of city referrals for exempt accommodation. The Cabinet member noted the complexities regarding covenants on council properties and said that a briefing would be sent to all members on this issue.

During the subsequent discussion the following points were made:

- There are links with the community safety team The police are part of the inspection activity and the joint working enabled access to police intelligence. The police involvement also related to addressing issues of organised crime which is a local and national issue.
- Acting Assistant Director, Housing Strategy and Enabling to provide statistics on prosecutions relating to organised crime and exempt accommodation.
- It was noted that the Health and Social Care Overview and Scrutiny Committee will consider the Adult Safeguarding Board Annual Report at the December meeting and can follow up this issue.
- The covenants on Council owned properties relates to future use of Exempt Accommodation only.
- The assessment of exempt accommodation claims does not consider community safety issues. It is not a commissioned service but is paid through housing benefit.
- There is no requirement for a provider to inform the Council if a person is moved from one property to another, so it is not always possible to ensure

that support is being provided to individuals and that anti-social behaviour is not displaced to another area. Good providers will inform the Council but when they Council is not informed the only way to identify this is through housing benefit payment.

- There is an issue with the capacity of the current number of inspectors due to funding. It was noted that while the number of exempt accommodation properties continues to increase, even at a slower rate, this will mean it will take too long to inspect all properties. If members or residents have concerns about Exempt Accommodation they were encouraged to report these to enable the inspection team to prioritise.
- Any funding that is clawed back from exempt accommodation providers cannot be used by the Council to pay for more officers to inspect exempt accommodation properties.
- Different Council directorates are working together to tackle poor exempt accommodation through the multi-agency Exempt Accommodation Team including adult social care, housing, community safety, housing benefit and legal. Cllr. Thompson chairs the sponsor board that includes the Cabinet Members that cover these services within their portfolio.
- Landlords need to understand their responsibility to ensure that their property is being managed properly. The introduction of licencing as part of the Bill will enable checks to be carried out on Landlords as fit and proper persons.
- Inspections are reactive in response to information from members, the public and regulators but there is also a planned proactive approach including when providers go through the accreditation process which involved inspections. It was reported that currently 30 providers are going through the accreditation process. Members were concerned that at current capacity, inspecting 1,000 properties a year, it will take 8 ½ years to inspect all exempt accommodation units.
- The Exempt Accommodation work also links with the systematic work through the Customer Services Programme with Landlords of houses of multiple occupation.
- There are currently over 20,000 exempt accommodation units, however the needs assessment identified that there is a defined need for people in Birmingham for 9,000 units. The additional 11,000 units are potentially where there is a housing need but not a supported housing need. It was also recognised that the Probation Service and other agencies across the country refer people to Birmingham because the supply is available and that there is no financial incentive for providers to support residents to move to more appropriate accommodation.

- The concentration of Exempt Accommodation in certain areas of the city is a result of the housing type which are lower valued houses that are large and easy to convert into units.
- The Health and Adult Care OSC identified the geographical correlation between areas with high numbers of exempt accommodation and high number of substance misuse service users. The level of care from exempt accommodation providers is not specified in the current legislation and it is recognised as a national issue that vulnerable people in exempt accommodation potentially may not get the support they need. The Housing Benefit process requires some evidence of care plans but not the provision of support. Where there are concerns regarding care provision in Birmingham this will be referred to the social worker in the multi-disciplinary team. The enhanced standards introduced by the Council are voluntary but will be assessed. Work will continue to develop links with substance misuse services.
- Members concerns regarding exempt accommodation should be raised through Icase so that this can be monitored. There is a dedicated mailbox so cases can be assessed to see if the property concerned is a House of Multiple Occupation or Exempt Accommodation. It was noted that an example was given of a case that took 3 weeks to get a response.
- Members of the public should use the usual complaints process and the contact centre will refer it on and information on the webpage is being improved to provide further information and signposting.
- When the Council places people in exempt accommodation assurance was given that this will be targeted at good providers that are going through the accreditation process.
- Acting Assistant Director, Housing Strategy and Enabling to provide information on the numbers of people placed by the Council in exempt accommodation.
- There is further work to do to fully implement the recommendations and it was recognised that a lot of this depends on national legislation which will take time. Members were keen to see that work continues locally to address issues in the meantime and requested a further update to the March / April Co-ordinating OSC meeting.

RESOLVED: -

- That Acting Assistant Director, Housing Strategy and Enabling provide statistics on the prosecutions relating to organised crime and exempt accommodation.

- That Acting Assistant Director, Housing Strategy and Enabling provide information on the numbers of people placed by the Council in exempt accommodation.
- A briefing is sent to all members on to update members on the work regarding covenants on Council properties.
- That the status for each of the recommendations R01-R08 updates in Appendix 2 were agreed and the report was noted.
- That an update report on Exempt Accommodation Scrutiny Recommendations request for Co-ordinating OSC meeting in March / April 2023.

7. UPDATE ON PLANNING ENFORCEMENT ISSUES FROM SCRUTINY INQUIRY

The Chair welcomed James Fox, Senior Enforcement Officer to the meeting to provide an update on Recommendation R05 from the Scrutiny Inquiry report to strengthen planning controls in relation to exempt accommodation and also address gaps in expectations regarding planning enforcement in this area.

The report to the Economy and Skills OSC in March 2022 addressed Recommendation R05 which has been completed.

The City-wide Article 4 limiting the number of Houses of Multiple Occupation (HMO) has no bearing on the growth of properties used for exempt accommodation.

A webpage has been set up to provide information to residents and providers to give guidance on Article 4 and further guidance on the assessment of supported accommodation from a planning perspective.

Legal advice on the assessment including consideration of the single household test was sought prior to the publication of the webpage.

The vast majority of the of supported accommodation has no more than 6 occupiers so in most cases planning permission is not required.

This has been recognised at a national level and planning reform is being considered as part of the Exempt Accommodation Bill.

Without change to planning legislation the action the Council can take is limited, however informal intervention has been undertaken to ensure properties meet the requirement of the single household test and formal action taken in extreme cases. Planning enforcement investigated over 400 supported accommodation properties and it is intended that 2 further officers will be recruited in 2023.

During the discussion are range of issues are covered including:

The due process for planning enforcement means that it is not a quick response to providers that 'play the system'. The timescales for an appeal process are set in legislation, however if an enforcement notice is served and not complied with and the provider continues to operate, where there is an ongoing breach, the Council can apply to the Courts for proceeds of crime and this has been used for Houses of Multiple Occupation.

There can be confusion between accommodation that is classed as a House of Multiple Occupation and exempt accommodation. If a property does not meet the requirements for an HMO, it may still be used to provide supported exempt accommodation which may have been an unintended consequence of Article 4.

Solicitors test evidence on the balance of probabilities for lawful use.

The Senior Enforcement Officer to respond following the meeting to the request that applications and the supporting evidence for HMOs could be sent to ward members to consider and provide comment.

RESOLVED: -

- That the Senior Enforcement Officer respond following the meeting to the request that supporting evidence for HMOs could be sent to ward members for consideration and comment.
- That the report was noted.

8. CUSTOMER SERVICES TASK AND FINISH GROUP UPDATE

The Chair provided an overview of the work of the Task and Finish Group on Bereavement Services, Housing Repairs and Waste Management and asked for endorsement for Phase 2 of the work on culture within the services. The Task and Finish Group on Highways will take place in December and report to the January meeting of Co-ordinating OSC. The focus of the discussion at the meeting was on the updates provided in Appendix 2 of the report which showed a change in direction, which if implemented will be transformational.

It was recognised that the scale of change required will take time and need leaderships. The role of the Task and Finish Group will be to provide ongoing scrutiny to ensure that the required changes are implemented. Specific points were made in relation to the waste management actions including:

- That the use of KIT Krew In Cab Technology will be mandatory and the information provided, including assisted collections, will be monitored by managers. This is being rolled out depot by depot.
- The KIT Krew In Cab Technology will be used by agents in the cab, not drivers and will be used to report issues and take photographs e.g. fly-tipping so this can be reported automatically to the fly-tipping team.

- Analysis of the data will identify the root cause of missed collections.
- The implementation will be reviewed in early 2023.
- Training has been provided to crews and work with the Trades Unions to agree new methods of working.
- Members were concerned that assisted collections were being missed.
- The invitation for members of the Housing and Neighbourhood OSC is extended to all members of Co-ordinating OSC.

RESOLVED:

- That the Task and Finish Group continues to ensure the identified end-to-end customer service improvements are implemented.
- It was noted that the Task and Finish Group completed its review of the recommendations submitted to service leads to Bereavement Services, Housing Repairs, Waste Management and Highways.
- That in a second phase of the work, the Task and Finish Group will meet with senior managers to scrutinise how their services have responded to feedback from the Customer Services workshops to embed the Customer Service Strategy and drive-up standards
- That the Committee supports the implementation of the Customer Service Programme Phase 2 as outlined in the December 2022 Cabinet Report.
- The invitation for members of the Housing and Neighbourhood OSC is extended to all members of Co-ordinating OSC.

9. EARLY INTERVENTION PROGRAMME UPDATE

Kalvinder Kohli, Assistant Director Early Intervention and Prevention, set out that the programme is a key corporate programme which supports the Council from a transactional crisis response to up stream provision. Staff, residents and community and voluntary organisations have been engaged in developing the vision for the programme. The cost-of-living crisis and pandemic have exacerbated issues in the city around child poverty, life expectancy and unemployment which has normalised crisis.

The Early Intervention and Prevention Programme sets out what this means for citizens, staff and the Council. Work started on the programme in 2020 and a report will go to Cabinet in 2023. Examples of early help support were provided e.g., Homes and Money Accelerator and Placed Based Approach with Shard End Library and ensuring this work is aligned with the cost-of-living crisis response. Work has started on the placed based approach for Erdington where a large number of assets have been identified which can be confusing for residents.

The business case is being developed and the conclusion has been reached that a Directorate is needed but this will not operate in a silo as the programme involved culture change across services.

During the discussion members raise the following issues:

- That the programme needs to identify key performance indicators that sets out deliverables and the programme also needs to address emerging challenges as well and the current issues the city faces.
- The place-based / place shaping approach was supported in the examples given, however there are areas in the city that do not have as many assets. It was reported that residents with mobility issues will not have to travel to other parts of the city to access services, but the programme will broaden the channels through which residents can access council services.
- The use of locations for social worker drop-in session has increased but not as fast as had been hoped. The Assistant Director, Early Intervention and Prevention agreed to look at the use of St Chads Church as an asset.

RESOLVED:

- That members noted the EI&P Programme update.
- That members noted the recommendation to develop an Early Intervention and Prevention Directorate to deliver capabilities relating to EI&P in the future.

10. SCRUTINY WORK PROGRAMME 202/23

The Chair reported that following the motion at City Council on 6 December regarding the Homes for Ukraine Scheme, this will be included on the agenda for the Co-ordinating OSC meeting on 27 January when the Cabinet Member for Social Justice, Community Safety and Equalities will attend. It was confirmed that a report will be circulated when the agenda is published.

Members agreed that the Co-ordinating OSC meeting on the 17 March will be amended to 10.30 to accommodate the Leader's availability to report on his priorities.

As discussed under Item 8 the work of the Customer Services Programme Task and Finish Group will continue including Phase 2 on the feedback from culture workshops.

The Chair will consider with Officers how members will be updated on the Elections Bill.

RESOLVED:

- That a separate report on the issue of Homes for Ukraine, as agreed in the motion at City Council on the 6 December will come to the meeting of Co-ordinating OSC on 27 January.
- The time of the Co-ordinating OSC on 17 March change to 10.30 accommodate the Leader's availability.
- The Chair to consider with Officers how to update members on the Elections Bill.
- That the Scrutiny Committee work programmes be noted.

11. REQUEST(S) FOR CALL IN / COUNCILLOR CALL FOR ACTION/ PETITIONS RECEIVED (IF ANY)

There were no requests for Call In for Co-ordinating OSC.

12. OTHER URGENT BUSINESS

The Chair raised the issues of the length of reports to Scrutiny Committees and the time taken at meetings to present reports which reduces the time for discussion.

RESOLVED:

- That the Scrutiny Team to provide guidance to report authors on use of cover reports including use of links to documents instead of lengthy appendices.
- That the Chair discuss with the Scrutiny Team how to ensure that reports provided provide the relevant information in a succinct format.

13. DATE AND TIME OF NEXT MEETING

It was noted that next meeting of the Co-ordinating Overview and Scrutiny Committee will be 27 January 2022 at 10.00

14. AUTHORITY TO CHAIRMAN AND OFFICERS

RESOLVED:

That in an urgent situation between meetings the Chair, jointly with the relevant Chief Officer, has authority to act on behalf of the Committee.

The meeting ended at 12:16 hours.