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Date: 25th February 2015

Dear Sir/Madam,

A meeting of the **Policy and Resources Scrutiny Committee** will be held in the **Sirhowy Room, Penallta House, Tredomen, Ystrad Mynach** on **Tuesday, 3rd March, 2015** at **5.30 pm** to consider the matters contained in the following agenda.

Yours faithfully,

A handwritten signature in blue ink that reads 'Chris Burns'.

Chris Burns
INTERIM CHIEF EXECUTIVE

A G E N D A

	Pages
1 To receive apologies for absence.	
2 Declarations of Interest Councillors and Officers are reminded of their responsibility to declare any personal and/or prejudicial interest(s) in respect of any business on this agenda in accordance with the Local Government Act 2000, the Council's Constitution and the Code of Conduct for both Councillors and Officers.	
To approve and sign the following minutes: -	
3 Policy and Resources Scrutiny Committee held on 20th January 2015 (minute nos 1 - 20).	1 - 14

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Correspondence may be in any language or format | Gallwch ohebu mewn unrhyw iaith neu fformat



- 4 Consideration of any matter referred to this Committee in accordance with the call-in procedure.
- 5 To receive a verbal report by the Cabinet Member(s).
- 6 To receive and consider the following Cabinet reports*:-
1. Cyd Cymru Collective Energy Switching Scheme – 21st January 2015;
 2. Update Report on the Development of a Model for Increasing Affordable Housing Provision – 21st January 2015;
 3. Land at Dyffryn Street, Ystrad Mynach – 21st January 2015;
 4. Cabinet Forward Work Programme – 21st January 2015;
 5. Land North of Darran Road, Risca (EXEMPT) – 21st January 2015;
 6. Review of WHQS Investment Strategy and HRA Capital Programme 2015/2016 – 4th February 2015;
 7. Housing Revenue Account Charges 2015/2016 – 4th February 2015;
 8. Review of NNDR Discretionary Rate Relief Policy – 4th February 2015;
 9. Cabinet Forward Work Programme – 18th February 2015.

**If a member of the Scrutiny Committee wishes for any of the above Cabinet reports to be brought forward for review at the meeting please contact Rebecca Barrett, 01443 864245, by 10.00 a.m. on Monday, 2nd March 2015.*

To receive and consider the following Scrutiny reports:-

- 7 Complaint made to the Public Services Ombudsman for Wales - Case number 201301753. 15 - 38
- 8 Response Repairs Policy. 39 - 58
- 9 Rechargeable Repairs Policy. 59 - 84
- 10 Treasury Management and Capital Financing Prudential Indicators Monitoring Report (1st April 2014 to 31st December 2014). 85 - 94
- 11 To record any requests for an item to be included on the next available agenda.

To receive and note the following information items*:-

- 12 Write-off of Debts. 95 - 96
- 13 Discretionary Rate Relief Applications. 97 - 102
- 14 Corporate Health and Safety Committee Minutes - 17th November 2014. 103 - 108
- 15 Caerphilly Homes Task Group Minutes - 11th December 2014. 109 - 112

16	Pensions/Compensation Committee Minutes - 12th January 2015.	113 - 114
17	Non-Domestic Ratepayers Consultation Meeting Minutes - 3rd February 2015.	115 - 116
18	Summary of Members' Attendance - Quarter 3 - 1st October 2014 to 31st December 2014.	117 - 120
19	Policy and Resources Scrutiny Committee Forward Work Programme.	121 - 124

**If a member of the Scrutiny Committee wishes for any of the above information items to be brought forward for review at the meeting please contact Rebecca Barrett, 01443 864245, by 10.00 a.m. on Monday, 2nd March 2015.*

Circulation:

Councillors L.J. Binding, C.J. Cuss, H.W. David (Chair), Miss E. Forehead, J.E. Fussell, D.M. Gray, C. Hawker, Ms J.G. Jones, G. Kirby, A. Lewis, C.P. Mann, S. Morgan (Vice Chair), D. Rees, R. Saralis, Mrs J. Summers and J. Taylor

And Appropriate Officers

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POLICY AND RESOURCES SCRUTINY COMMITTEE

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, YSTRAD MYNACH ON TUESDAY, 20TH JANUARY 2015 AT 5.30 P.M.

PRESENT:

Councillor H.W. David - Chair
Councillor S. Morgan - Vice Chair

Councillors:

L. Binding, C.J. Cuss, Miss E. Forehead, J.E. Fussell, D.M. Gray, C. Hawker, Ms J.G. Jones,
G. Kirby, A. Lewis, C.P. Mann, D. Rees, J. Taylor

Cabinet Members:

Mrs C. Forehead (Cabinet Member for HR and Governance/Business Manager),
D.T. Hardacre (Performance and Asset Management), Mrs B. Jones (Corporate Services),
G. Jones (Housing)

Together with:

N. Scammell (Acting Director of Corporate Services and Section 151 Officer), S. Couzens
(Chief Housing Officer), P. Davy (Head of Programmes), G. Hardacre (Head of Workforce and
Organisational Development), S. Harris (Acting Head of Corporate Finance), C. Jones (Head
of Performance and Property), D. Titley (Corporate Customer Service Manager), K. Williams
(Private Sector Housing Manager), M. Jennings (Housing Strategy Officer), J. Jones
(Democratic Services Manager) and R. Barrett (Committee Services Officer)

Also present:

Councillor M. Adams, Councillor N. Dix, Councillor G. Johnston, G. Enright (Unison Branch
Secretary), R. Mann (United Welsh Housing Association), K. Shaw (Local Resident)

1. CHAIR'S WELCOME

The Chair introduced the evening's proceedings, and welcomed a number of speakers in
attendance at the meeting.

Mr Gary Enright, Unison Branch Secretary, was in attendance to provide the Trade Unions'
response to a number of the reports on the meeting agenda.

Councillors Nigel Dix and Councillor Gary Johnston were present to speak in relation to
Agenda Item 8 (Pontllanfraith House) and Agenda Item 9 (Opening Hours of Customer
Service Centres and Newbridge Cash Office) respectively.

Local resident Mr Ken Shaw was also in attendance to speak regarding Agenda Item 17 (Update in Respect of Employee Surveillance).

During the course of the meeting, Councillor Mike Adams, who was present to observe the proceedings, also addressed the Committee in respect of Agenda Item 8 (Pontllanfraith House).

2. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors R. Saralis and Mrs J. Summers.

3. DECLARATIONS OF INTEREST

During the course of the meeting, a declaration of interest was received from Councillor L. Binding and is detailed with the respective item.

4. MINUTES – 11TH NOVEMBER 2014

RESOLVED that the minutes of the Policy and Resources Scrutiny Committee held on 11th November 2014 (minute nos. 1 – 15) be approved as a correct record and signed by the Chair.

5. MINUTES – 8TH DECEMBER 2014

RESOLVED that the minutes of the Special Policy and Resources Scrutiny Committee held on 8th December 2014 (minute nos. 1 – 9) be approved as a correct record and signed by the Chair.

6. CONSIDERATION OF ANY MATTER REFERRED TO THIS COMMITTEE IN ACCORDANCE WITH THE CALL-IN PROCEDURE

There had been no matters referred to the Scrutiny Committee in accordance with the call-in procedure.

7. REPORT OF THE CABINET MEMBERS

The Scrutiny Committee received reports from Cabinet Members D.T. Hardacre, Mrs C. Forehead, G. Jones and Mrs B. Jones

Councillor D.T. Hardacre, Cabinet Member for Performance and Asset Management, advised that he would provide comment in respect of Agenda Item 8 (Pontllanfraith House) when the item was considered by the Committee.

Councillor Mrs C. Forehead, Cabinet Member for HR and Governance/Business Manager, presented her report and advised Members that the Authority's revised Whistleblowing Policy had recently been implemented. The Council have been invited to join Public Concern at Work's "First 100" campaign, which appeals to organisations to sign up to the principles of the statutory Code of Practice for whistleblowing arrangements. With regard to the National Pay Negotiations, it was explained that agreement had been reached on a revised package, and that the first consolidated one-off payment had been made to Council staff in December 2014.

Members asked that their appreciations to Payroll staff in achieving this short payroll deadline be placed on record.

Councillor G. Jones, Cabinet Member for Housing, presented his report and advised the Committee that there were further developments in respect of the Welsh Quality Housing Standard, which would be discussed during consideration of Agenda Item 11 (Review of WHQS Investment Strategy and HRA Capital Programme 2015/16).

The Committee were informed that additional temporary accommodation for the homeless is being developed on behalf of the Council by United Welsh Housing Association. This will provide 17 units of accommodation for single persons and reduce the requirement for the authority to utilise B&B facilities for such individuals. The facility being developed is Maes-Y-Derwen in Tredomen. The Cabinet Member confirmed that he would advise Members once the timeline for completion has been established.

It was explained that a recent Wales Audit Office report has been released on the impact of Welfare Reform changes on social housing tenants in Wales and is available on the WAO website. The report states that the changes to Housing benefits will affect a greater proportion of social tenants in Wales than England or Scotland. The Cabinet Member referenced the work of the Tenant Support Officers, who are now accredited energy advisors and are providing energy saving advice to tenants in addition to other support.

Members were also informed that the new Housing Allocations Policy is currently out for formal consultation until 23rd February 2015. The Policy will help support the introduction of the Common Housing Register which will simplify access to social housing, and result in prospective tenants only being required to complete one application form to be considered for all social housing within the county borough.

Councillor Mrs B. Jones, Cabinet Member for Corporate Services, presented her report and informed Members that the widespread consultation process on the 2015/16 draft savings proposals had now ended. A report was due to be presented to Cabinet on 4th February 2015, which would seek endorsement of these final savings proposals, prior to consideration by Special Council on 25th February 2015.

Members were informed that the Council's ICT department had successfully retained their ISO accreditation, and that a number of IT applications had been successfully upgraded, with training on these new packages provided to staff. There had also been success in Procurement, with Liz Lucas, Head of Procurement, recently receiving a Fellowship of Procurement Award from the University of South Wales. Members congratulated Mrs Lucas and the ICT department on their achievements.

8. CABINET REPORTS

There had been no requests for any of the Cabinet reports to be brought forward for discussion at the meeting.

REPORTS OF OFFICERS

Consideration was given to the following reports.

9. UPDATE REPORT ON THE DEVELOPMENT OF A MODEL FOR INCREASING AFFORDABLE HOUSING PROVISION

In that a representative from United Welsh Housing Association was present to speak on the report, the item was moved forward on the agenda.

During the course of the debate on this item, Councillor L. Binding declared a personal and prejudicial interest in that he lives adjacent to a housing development referenced in the report, and left the room during consideration of this item.

Colin Jones, Head of Performance and Property, together with Richard Mann, Director of Development at United Welsh Housing Association, presented the report to Members. The report provided an update in respect of the development of a model for increasing affordable housing, and sought Members' views prior to its presentation to Cabinet.

On 22nd January 2014, Cabinet approved progression of the development of this model, and the latest report provided an update on progress made to date, including details of the proposed sites, indicative numbers of houses to be provided, expected returns and a description of success measures. A further Cabinet decision would be required to progress with the model on the sites identified in the report in an effort to increase housing supply within the county borough.

It was explained that if formally adopted, the model will deliver a wide range of affordable housing in partnership with United Welsh and the Seren Group whilst delivering a revenue income for the local authority.

The report outlined two pilot sites that are being considered for the model, both within areas of housing pressure, namely Watford Road, Caerphilly, and Windsor Colliery, Abertridwr. The report detailed the background relating to these two sites and summarised the views of local ward members, together with a number of planning considerations.

Discussion of the report ensued and Officers clarified a number of details in regards to the pilot sites. Members raised concern regarding the planned size of some housing units and it was confirmed that this matter would be addressed via the usual planning process.

In response to a Member query regarding the list of report consultees, Officers confirmed that they would check as to whether the clerk to Aber Valley Community Council had been consulted. A query was raised regarding the creation of additional road access into housing sites and Officers outlined the process relating to this. Members also commented on a need to retain community facilities within the pilot sites

Following consideration of the report, it was moved and seconded that the following recommendations be referred to Cabinet for consideration. By a show of hands (and in noting there was one abstention), this was agreed by the majority present.

RECOMMENDED to Cabinet that:-

- (1) The development of the leased model at Watford Road, Caerphilly, and Windsor Colliery, Abertridwr, be approved;
- (2) A further report be submitted to the Policy and Resources Scrutiny Committee on the actual results of the pilot exercise.

10. UPDATE IN REQUEST OF EMPLOYEE SURVEILLANCE

Following a Member's request, this report was brought forward from the list of information items as an item for discussion, and in that a member of the public was present to speak regarding the matter, was moved forward on the agenda.

The Chair of the Policy and Resources Scrutiny Committee introduced the report, which updated Members in respect of the Authority's position on employee surveillance. It was explained that concerns surrounding employee surveillance were reported to the Policy and Resources Scrutiny Committee on 16th April 2013. At that time, the use of employee

surveillance was put on hold until a number of actions were successfully concluded in respect of an update of policy, to include engagement with the Trade Unions, the implementation of a robust procedure, to include impact assessments, followed by a formal procurement process.

Since that date, Wales Audit Office (WAO) have presented the findings of a review into employee surveillance undertaken by Caerphilly County Borough Council, which were appended to the report. More recently the Information Commissioner's Office (ICO) have published their findings in respect of a self-referral of a data protection breach reported to them in November 2013, relating to employee surveillance activity undertaken prior to April 2013.

On 11th June 2014, the Audit Committee were advised that due to the implications of the Medium Term Financial Plan (MTFP) and the requirement for Human Resources to focus on the downsizing of the organisation due to the significant savings required by the Authority, the review of the current arrangements around employee surveillance was not a priority for the foreseeable future. In addition to a review of the current arrangements, a formal procurement process would need to be undertaken before employee surveillance could be undertaken in the future. This is currently not a priority for the Authority's Procurement Team who are heavily involved in the Welsh Housing Quality Standard (WHQS) programme and have a full timetable of commitments for next year.

Furthermore, it is considered that the future use of employee surveillance would be extremely limited. As a result, the report advised that for the foreseeable future, the review of the current arrangements will be held in abeyance and the use of employee surveillance will remain on hold.

The Chair emphasised that should the matter of employee surveillance resuming arise for consideration in the future, the Trade Unions would be involved in the development of further robust procedures regarding this process.

The Trade Unions were invited to respond to the report, and Mr Enright referenced the employee surveillance activity prior to April 2013 that had been examined by the ICO. He referred to the media interest in the matter and called for the Authority to learn from this experience. Mr Enright made reference to the WAO report findings and the need to engage the Trade Unions in processes and policies relating to employee surveillance, and also raised concern with procurement costs detailed in the review.

Mr Ken Shaw, a member of the public, was then invited to address the Scrutiny Committee in relation to the report. Mr Shaw read out a prepared statement to the Committee, in which he hoped that the Authority would be committed to a more robust system in the future. He referenced the WAO review of employee surveillance and highlighted a number of the report findings. Finally, Mr Shaw stated that employee surveillance should only be used as a last resort and for valid reasons, and called for misuse of the process to be dealt with via the Authority's disciplinary procedures.

Mr Enright and Mr Shaw were thanked for their representations and discussion of the report ensued. An additional recommendation to the report was moved and seconded, in that should the employee surveillance process be resumed in the future, that the matter initially be brought before the Committee for consideration.

Following consideration of the report, Members received and noted its contents and the fact that employee surveillance will not be undertaken in the foreseeable future. It was unanimously agreed that should the employee surveillance process be resumed in the future, that a report on the matter be firstly presented to the Policy and Resources Scrutiny Committee (and thereafter Cabinet) for consideration.

11. PONTLLANFRAITH HOUSE

Colin Jones, Head of Performance and Property, presented the report, which provided further information in respect of costs prior to a formal decision to close Pontllanfraith House as part of the Council's Land and Buildings Asset Rationalisation Programme.

This report was a follow-up to the reports presented at the Policy and Resources Scrutiny Committee on 17th June 2014 and 8th December 2014. Those reports established the rationale behind the proposal for closure of Pontllanfraith House and the potential impact on Council services and public access to those services, financial implications, employment issues and equality implications. At the meeting of 8th December 2014, the Policy and Resources Scrutiny Committee, whilst continuing to support the closure in principle, requested that further information be provided to inform the scrutiny process.

It was explained that the latest report detailed all anticipated additional costs in respect of the proposal. Members' attention was directed to section 4.3 of the report, which explained that the total useable office accommodation per employee in CCBC is the highest amongst Welsh local authorities and that office accommodation costs are also above the Wales average. It is estimated that achieving the Wales average figure for useable office accommodation per employee would save the Authority around £1m per year.

The report provided further information in respect of the preferred Council buildings to be used for the relocation of staff, including information on the current condition of each of these buildings and any improvements required to accommodate the relocation of staff. As additional information to the report, it was advised that it was likely that the Area Housing Team (based in Pontllanfraith House) would relocate to a premises within the immediate area which would likely be in Blackwood Town Centre.

The report addressed the possible impact of the closure of Pontllanfraith House on local businesses and the surrounding area. It was also explained that as part of the public consultation process regarding the MTFP, 94% of individuals who participated in the consultation agreed with the general approach towards the rationalisation of Council properties.

The Trade Unions were invited to respond to the report, and Mr Enright commented on the need for the Council to uphold a duty of care towards employee working conditions, referencing a number of comments received from staff regarding the current condition of Pontllanfraith House.

Mr Enright reiterated the report's view that the site's future development would mitigate any short-term losses and have a long-term positive impact on the surrounding area. The Trade Unions supported the programme of asset rationalisation as a key part of achieving the savings required by the MTFP, with Mr Enright referencing substantial savings achieved by neighbouring local authorities utilising this method. Mr Enright also commented that the potential savings achievable by the proposed closure of Pontllanfraith House could safeguard a number of posts within the Authority, and Members were asked to take this into consideration.

Councillor Nigel Dix, Blackwood Ward Member, was then invited to address the Scrutiny Committee in respect of the proposals.

Councillor Dix referenced a number of points within the report and raised concerns that Pontllanfraith House had been selected due to the site's potential as a future housing site location. He commented that asbestos, cited as a high concern in Pontllanfraith House, was also present in other corporate offices across the Authority. He also suggested that the former Post Office site in Blackwood Town Centre could be considered as a replacement site for some local Council services.

Councillor Dix made reference to the improvements required to other corporate offices to accommodate relocated staff, and raised concerns regarding the suitability of Ty Duffryn as office accommodation, due to its location on an industrial estate. Councillor Dix queried whether the estimated sale value of Pontllanfraith House could be affected by variable economic conditions. He also queried the potential sale value of other corporate offices and asked Members to take into account the Council services and facilities that could be affected by the closure of Pontllanfraith House.

Nicole Scammell, Acting Director of Corporate Services and Section 151 Officer, responded to Councillor Dix's comments and explained the rationale behind the proposal to close Pontllanfraith House. It was explained that of all the main corporate offices within the Authority (except for Penallta House), Pontllanfraith House has the highest running costs and a required capital investment of circa £5m, which included the high cost of asbestos removal.

Regarding the feasibility of alternative Council offices being considered for closure, the Acting Director explained that as the Council's IT Data Centre had been relocated to Tredomen House in 2008, it would not be cost-effective to relocate this service elsewhere or demolish and sell part of the site. The capital cost of the IT Data Centre was £1.3m a number of years ago.

Discussion of the report ensued and Members raised concerns regarding the suitability of the corporate offices identified to accommodate the relocation of staff. Concerns were raised regarding the schedule of maintenance and refurbishment works undertaken within Pontllanfraith House in the past and whether this had contributed to the current required level of repair works. A concern was also raised that the relocation of Council departments across a number of sites could have a negative impact on the interaction between closely linked services.

The Head of Performance and Property responded to Members' comments and explained that there was insufficient budget available to fund the £5m of capital investment required to bring Pontllanfraith House up to standard. Members queried whether other corporate offices in need of repair could be considered for closure instead. The Head of Performance and Property advised that further closures could take place in addition to Pontllanfraith House in the future as part of the Asset Rationalisation Programme. He reminded Members that there had been previous corporate office closures. This was not the first. He also referred to the public-facing departments currently based at Pontllanfraith House.

A Member raised concerns that the relocation of services based within Pontllanfraith House could result in a sense of isolation to residents living within the former Islwyn area of the county borough. The Member also called for a need to examine spending across the Authority, including a review of subsidised services.

Members commented that some Council departments had undergone several relocations in the past and sought assurances that such relocations would cease. Officers explained that wherever possible, a planned approach would be adopted and disruption kept to a minimum.

The Cabinet Member for Performance and Asset Management commented on the need to safeguard posts within the Authority and expressed concern for the welfare of staff working in the current conditions in Pontllanfraith House. He also advised the Committee that it was possible that further works could be needed above the estimated capital investment of £5m and therefore it would be counter-productive to continue with such works.

Following consideration of the report, it was moved and seconded that Members continue to endorse the proposal to close Pontllanfraith House. By a show of hands, this was agreed by the majority present.

Following the conclusion of deliberations on this matter, Councillor Michael Adams, Local Ward Member for Pontllanfraith, asked for permission to address the Committee. He referenced the history of Pontllanfraith House and commented on a need to retain the legacy of the building.

12. ADJOURNMENT

Following consideration of this item, it was agreed at 6.55 pm that the meeting adjourn for a short recess. The meeting reconvened at 7.00 pm.

13. OPENING HOURS OF CUSTOMER SERVICE CENTRES AND NEWBRIDGE CASH OFFICE

David Titley, Corporate Customer Services Manager, presented the report, which provided further information in relation to the opening hours of Customer Service Centres and the Cashiers Service within Newbridge Library.

At a special meeting of the Policy and Resources Committee on 8th December 2014, Members considered proposals to achieve £250,000 of savings within Customers Services between 2015/16 and 2016/17, as part of the Medium Term Financial Plan.

Included in these savings proposals were non-staffing costs of £89,348, including the relocation of the Blackwood Customer Service Centre to Blackwood Library, together with other non-staffing costs. Staffing costs totalled £160,652 and included vacancy management via the deletion of two vacant posts, the reduction of the Agency Staff budget and a reduction in staffing levels of 3.7 full-time equivalent staff.

Members had previously indicated that they wished to retain the present network of Customer Service Centres. However, it was not feasible to maintain current levels of service with this reduction in staffing, and therefore changes would be required in the provision of Customer Services, including opening hours and customer service performance targets, to accommodate this reduction. The original proposals also included the withdrawal of the Cashiers Service at Newbridge Library.

As a result of these considerations at the meeting of 8th December 2014, Officers were asked to identify the implications of all sites opening at 10.00 am rather than 9.30 am (9.00 am in Penallta House) whilst retaining the Cashiers Service at Newbridge Library.

Officers subsequently examined the implications of opening all sites at 10.00 am, whilst still achieving the same level of staffing reduction as detailed in the earlier report. These results were included in the latest report, together with further information on activity levels and staffing levels, and three options were presented for Members' consideration:-

- (1) Endorse the original proposals as presented to the Policy and Resources Committee on 8th December 2014 (achieve a £250,000 budget saving via non-staffing costs of £89,348 and staffing costs of £160,652, including the withdrawal of the Cashiers Service at Newbridge Library);
- (2) A modification of the proposals to include the retention of a reduced Cashiers Service in Newbridge, and all Customer Service Centres to open at 10.00 am;
- (3) A modification of the proposals to include the retention of a reduced Cashiers Service in Newbridge, with Bargoed, Risca and Pontlloftyn Customer Service Centres to close at 3.30 pm rather than 4.00 pm.

It was explained that the third option was a new proposal which would still generate the required saving in staff hours but that more customers would be affected if the sites closed early rather than opened late. Early closing of these three sites would release enough staffing time to enable the service in Newbridge to be retained, although it would still result in a reduction in opening hours at that site.

At the meeting of 8th December 2014, Officers were also asked to consult staff and customers on the proposed changes. As the consultation could not be completed due to the Christmas closedown and low customer numbers in the week prior to that, a verbal report on feedback was provided at the meeting. Feedback from the public consultation indicated that early closing of the sites was preferable to late opening. Officers advised that opening later could have a significant impact on customer service provision and waiting times because workload would be moved into the busier part of the day.

The Trade Unions were invited to respond to the proposals, with Mr Enright stating that the main concern was to ensure that staff were not adversely affected by these proposals. He also raised concern regarding the consultation process with the Trade Unions and requested that they be thoroughly consulted on such matters

Councillor Gary Johnston, Newbridge Ward Member, was invited to address the Scrutiny Committee in respect of the Newbridge Cashier Service. He advised that since the last meeting, Newbridge had received a visit from HRH Prince Charles, which had helped raise public awareness of the services located within Newbridge Library. Councillor Johnston closed his statement by endorsing the latter two options within the report.

Following consideration of the report, and by a show of hands, Members unanimously endorsed the modification of the savings proposals within the original report (to include the retention of a reduced Cashiers Service in Newbridge Library and that Bargoed, Risca and Pontlottyn Customer Service Centres close at 3.30 pm rather than 4.00 pm) and that the comments of the Trade Unions regarding the consultation process be noted.

14. DRAFT SAVINGS PROPOSALS 2015/16

Stephen Harris, Interim Head of Corporate Finance, reminded Members that a report was presented to the Special Policy and Resources Scrutiny Committee on 8th December 2014, which provided details of the provisional 2015/16 Local Government Settlement, an updated Medium Term Financial Plan for the period 2015/16 to 2017/18, details of proposed savings for 2015/16 totalling £12.208m and a proposal to increase Council Tax for 2015/16 by 3.9%.

The report was originally considered and endorsed by Cabinet on 29th October 2014. The proposals in the report are currently subject to a final period of consultation prior to a further report being presented to Cabinet on 4th February 2015 and final 2015/16 budget proposals being considered by Special Council on 25th February 2015. As part of this final consultation process further Scrutiny Committee meetings took place to consider the draft 2015/16 savings proposals.

At the Special Policy and Resources Scrutiny Committee meeting on 8th December 2014, Members raised concerns that the views of the other Scrutiny Committees regarding the list of draft 2015/16 savings proposals were not available for consideration. Members explained that it was difficult to consider whether or not to support a saving without being aware of the comments made at other Scrutiny Committee meetings regarding the proposals.

It was agreed that the draft minutes of these meetings be presented at the next meeting of the Policy and Resources Scrutiny Committee on 20th January 2015. These were attached to the report for Members' consideration and Officers summarised the outcome of these discussions relating to the draft 2015/16 savings proposals.

It was explained that there were some proposals not supported at the Special Regeneration and Environment Scrutiny Committee meeting of 1st December 2014, specifically those relating to the proposed deletion of a vacant Environmental Health Officer post, the proposed reduction in the cleansing budget and reductions in the carriageway and footway resurfacing budget. At the Special Policy and Resources Scrutiny Committee meeting of 8th December 2014, concerns were raised regarding proposals to close Pontllanfraith House and proposed savings within Customer Services. The draft savings proposals were noted at the Health, Social Care and Wellbeing Scrutiny Committee meeting of 2nd December 2014. Officers verbally reported the outcome of discussions at the Education for Life Scrutiny Committee meeting of 13th January 2015 and advised that the savings proposals were endorsed by that Committee.

The Trade Unions were invited to respond to the report and Mr Enright referred to the appended table of savings proposals for 2015/16 which included the outcome of the initial consideration of each proposal at previous Scrutiny meetings. Mr Enright suggested that it would have been useful for the latest comments to be incorporated into the list of savings proposals prior to the meeting.

Members also raised concerns that some comments received had not been reflected in this list and that proper consideration could not be given to the proposals. Officers advised that a final version which was due to be presented to Cabinet on 4th February 2015 and Special Council on 25th February 2015 would include an updated version of the table, incorporating all comments received at the Scrutiny meetings.

Following consideration of the report, and by a show of hands and a majority vote (and in noting that there were four abstentions), and subject to the appended table of proposed savings being updated with Members' comments prior to presentation to Cabinet, Members endorsed the list of draft savings proposals for 2015/16.

15. REVIEW OF WHQS INVESTMENT STRATEGY AND HRA CAPITAL PROGRAMME 2015/16

Phil Davy, Head of Programmes, presented the report, which had been previously considered by the Caerphilly Homes Task Group on 11th December 2014. The report advised Members of the revised Welsh Housing Quality Standard (WHQS) investment strategy and set out the Housing Revenue Account (HRA) capital programme budget for 2015. Members' views were sought on the report prior to its presentation to Cabinet.

Members were informed that major slippage during the 2014/15 financial year has necessitated a review of the WHQS investment strategy over the remaining five years of the programme. This slippage will cause additional pressure due to the increase in the volume of properties that will need to be completed over a shorter timescale. In order to maintain the principle of separation of internal and external works there are a large number of community area sequence changes, mainly affecting the external work. The HRA capital programme budget has allocated the necessary resources based on the Savills cost plan to deliver the programme during 2015/16 to meet the revised WHQS Investment Strategy.

It was explained that due to these factors, it had been necessary to revise the work programme downwards for the current financial year to 1683 properties, which reflects the number of works packages that will have been committed. However a number of these works packages were expected to run on into 2015/16 and the projected outturn position in March 2015 had worsened since the time of writing the report, with around 1000 completions now anticipated. The implications of the over-run on the 2015/16 programme will be assessed in April 2015.

Discussion of the report ensued and Officers responded to Member's queries regarding the programme of internal and external works in specific areas of the county borough. Members

sought reassurances that the WHQS programme would be completed by 2020, with it explained that the revised programme would be reviewed during the first quarter of 2015/16 and that any subsequent contingency plans would be implemented following this review. It was also clarified that progress on the matter would be reported to the Caerphilly Homes Task Group and Policy and Resources Scrutiny Committee.

It was moved and seconded that the following recommendation be referred to Cabinet for consideration. By a show of hands, this was unanimously agreed.

RECOMMENDED to Cabinet that for the reasons outlined in the report, the revised investment strategy and the capital programme for 2015/16 that flows from the strategy be supported.

16. HOUSING REVENUE ACCOUNT CHARGES – 2015-2016

Shaun Couzens, Chief Housing Officer, presented the report, which provided details of the proposed increased charges which are intended to be effective for the Housing Revenue Account in 2015-16. The report sought the views of Members prior to its presentation to Cabinet.

The report summarised the process involved in preparing the Housing Revenue Account (HRA) budget. It was explained that the uplift policy has recently been changed as part of the new Policy for Social Housing Rents, which will apply to local housing authorities from April 2015. The policy sets a target rent band for each Authority, with average weekly rents being adjusted in line with this band. The new uplift policy will now use the previous September Consumer Price Index (CPI) inflation figure as opposed to the Retail Price Index (RPI) formerly used, and will also apply a 1.5% real increase to the average local authority rent which will be fixed for five years. Therefore the average Welsh increase proposed by WG is 2.7%, with a minimum increase of 3.5% necessary for this Authority in order to comply with the rent banding envelope, meet the Welsh Housing Quality Standard and ensure that the Council's business plan remains viable. The proposed increase in service charges were also highlighted to members which impacted on sheltered schemes, meal charges and garages in particular. Members were advised that the proposed 2% increase was again in line with projections made within the Housing Business Plan which has been accepted by WG.

Discussion of the report ensued and it was agreed that information regarding the financial implications of this rent increase on the Welfare Reform Act be forwarded to Members. A query was raised as to the consultation process regarding the increase in service and meal charges at sheltered housing accommodation and whether this was a matter for consideration by the Health, Social Care and Wellbeing Scrutiny Committee. It was confirmed that these charges did not come under the remit of Social Services and were the responsibility of other departments within the Authority.

Members also discussed the letting and use of Council-owned garages and the number of vacant garages within the Authority's portfolio. An additional recommendation was moved and seconded, in that a report on the letting and use of these garages be prepared and presented to the Committee at a future point in time. By a show of hands, this was unanimously agreed.

Following consideration of the report, it was moved and seconded that the following recommendations, including the additional recommendation, be referred to Cabinet for consideration. By a show of hands, this was unanimously agreed.

RECOMMENDED to Cabinet that:-

- (1) a minimum rent increase of 3.5% per property be applied from April 2015 to ensure compliance with the new rent policy and to maintain the viability of the current business plan;

- (2) the variable service charge at sheltered complexes with communal facilities be set at £27.63 (bronze service), £30.03 (silver service) and £33.53 (gold service) over a 48 week basis from April 2015;
- (3) the variable service charge in the four declassified sheltered schemes without communal facilities be set at £10.11 (bronze service), £12.51 (silver service) and £16.01 (gold service) over a 48 week basis from April 2015;
- (4) the service charge payable by residents of Tredegar Court be increased to £63.98 over a 48 week basis from April 2015;
- (5) the meal cost at Tredegar Court be increased to £35.19 based on a 48 week basis from April 2015;
- (6) the guest room charge for sheltered housing complexes be not increased from April 2015;
- (7) the charges at Ty Croeso be determined by the Local Housing Allowance rates that are yet to be announced;
- (8) the garage charges for Council and non-Council tenants be increased to £7.80 based on a 48 week basis from April 2015;
- (9) a report regarding the letting and use of Council-owned garages be prepared for presentation to the Policy and Resources Scrutiny Committee.

17. REVIEW OF NNDR DISCRETIONARY RATE RELIEF POLICY

Stephen Harris, Interim Head of Corporate Finance, presented the report, which provided details of proposed changes to the Authority's Discretionary Rate Relief Policy, and sought the views of Members prior to its presentation to Cabinet.

The report outlined the proposed changes, which include the re-categorisation of some elements of the Policy, the introduction of an appeals procedure and the consideration of potential changes that will generate savings to support the Authority's Medium-Term Financial Plan (MTFP).

It was explained that where a property does not qualify for Mandatory Rate Relief, rating Authorities will consider the award of Discretionary Rate Relief under Section 47 of the Local Government Finance Act 1988. Authorities have discretion to grant relief of up to 100% to certain non-profit making bodies, which must meet certain criteria to be eligible. Mandatory Rate Relief is currently fixed at 80% of the rates payable where the ratepayer is a charity, or trustees for a charity, and the property is wholly or mainly used for charitable purposes. This is fully funded by the Welsh Government National Non-Domestic Rates (NNDR) pooling arrangements.

Where a ratepayer is in receipt of 80% Mandatory Rate Relief, discretionary relief of up to 20% may also be granted, known as Top-Up Discretionary Relief. Members were referred to section 4.5.1. of the report, which proposed the restriction or removal of Top-Up Discretionary Relief under certain circumstances. Sections 4.5.2.to 4.5.4. of the report also detailed the further potential savings achievable by restricting or reducing Top-Up Discretionary Relief in other categories.

Following discussion and consideration of the report, it was moved and seconded that the following recommendations be referred to Cabinet for consideration. By a show of hands, this was unanimously agreed.

RECOMMENDED to Cabinet that:-

- (1) As outlined in paragraphs 4.3.1 to 4.3.3 of the report, the 'Miscellaneous Organisations' category be re-categorised and the suggested policy amendments be actioned;
- (2) As outlined in paragraph 4.4 of the report, the Policy be updated to include details of the appeals process;
- (3) Top-Up Discretionary Relief be removed where an organisation occupies one or more rating assessments within the Authority's area, which cumulatively amount to a total rateable value exceeding £100,000;
- (4) That the potential savings as outlined in paragraphs 4.5.2 to 4.5.4 of the report are not supported at this stage in the MTFP process.

18. HALF-YEARLY UPDATE ON IMPROVEMENT OBJECTIVE 6 (2014/15)

Mark Jennings, Housing Strategy Officer, presented the report, which provided Members with a half-yearly update progress made against Improvement Objective 6 (improve availability of public and private sector housing to reduce the number of residents who may become homeless).

Members were informed that good steady progress at the half-yearly stage has been made against several of the actions contained within the Improvement Objective. In terms of overall performance, all risks have been identified, assessed and monitored in accordance with corporate guidance. Two risks have been assessed as being high and one as being medium, with no change in the risk level since the risks were first assessed. The performance of each action has been reviewed, with one action completed, one action deferred pending the availability of external funding, and steady progress being made against the other five actions. A further action has changed in nature and subsequently been closed down. There are seven performance indicators in total, some monitored on a quarterly basis and some on an annual basis, with one indicator closed down, four reported annually, and the remaining two on track to meet their end of year targets.

The completed actions were outlined, which included the successful restructure of the Housing Options and Homelessness Advice team functions to offer a person-centred casework service, including relocating several officers to form a homelessness prevention team. Further restructuring of the team will take place in 2015/16 on receipt of Welsh Government transitional homelessness funding. Full details of the risks, actions and performance indicators were provided in Appendix 1 to the report.

Officers explained that at the 6-month stage, and in view of the overall performance detailed within Section 4 of the report and the performance dashboard appended to the report, the actions against Improvement Objective 6 were therefore judged as being partially successful.

Discussion of the report ensued and Members referred to the partial progress made in working with the prison accommodation service to improve the process whereby prisoners are prepared for release, which had been identified by Officers as an area for improvement. The merits of the overall Improvement Objective were discussed and whether it could be determined to be wholly or partially successful at this time. Officers advised that a further update report on Improvement Objectives would be presented to the Committee in six months' time.

Members raised concerns relating to the process surrounding the housing of prison leavers, together with concerns relating to the housing of homelessness cases, and were advised to

raise these issues with Officers following the meeting. Officers also confirmed that they were meeting with the Probation Service to improve the process whereby prisoners are prepared for release.

Members noted a performance indicator above target which related to credit unions and promoted access to the private rented sector by service users in receipt of benefits, and Officers clarified the process relating to this.

The contents of the report were received and noted. Members reached agreement on the partial success of Improvement Objective 6 and noted that a further update report would be presented to the Policy and Resources Scrutiny Committee in six months' time.

19. REQUESTS FOR REPORTS TO BE INCLUDED ON THE NEXT AVAILABLE AGENDA

There were no requests for reports received.

Discussion took place regarding the number of agenda items being presented to the Policy and Resources Committee for consideration and it was confirmed that this matter was currently being addressed.

20. INFORMATION ITEMS

The Committee noted the following items for information, full details of which were included within the Officers reports. None of the following items were brought forward for review.

- (1) Corporate Services, Miscellaneous Finance and Housing Revenue Account (HRA) 2014/15 Budget Monitoring Report (Period 7);
- (2) 2014/15 Capital Expenditure Monitoring Report (Period 7);
- (3) Whole-Authority Revenue Budget Monitoring Report 2014/15;
- (4) Caerphilly Homes Task Group Minutes - 30th October 2014;
- (5) Caerphilly Local Service Board Minutes - 20th August 2014;
- (6) Summary of Members' Attendance - Quarter 2 - 1st July 2014 to 30th September 2014.

The meeting closed at 7.59 pm

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 3rd March 2015, they were signed by the Chair.

CHAIR



POLICY AND RESOURCES SCRUTINY COMMITTEE – 3RD MARCH 2015

SUBJECT: COMPLAINT MADE TO THE PUBLIC SERVICES OMBUDSMAN FOR WALES - CASE NUMBER 201301753

REPORT BY: INTERIM HEAD OF LEGAL SERVICES AND MONITORING OFFICER

1. On the 24th November 2014 the Standards Committee received the attached report and appendix regarding the above complaint.
2. The Committee noted the contents of the Report and progress made to date in respect of the recommendations contained in the Ombudsman's report and action to be taken regarding outstanding recommendations.
3. In addition the Committee was asked to consider whether the matter should be referred to the appropriate Scrutiny Committee. Whilst the grounds for referral are where in the opinion of the Standards Committee there has been a serious failure in service delivery that would benefit from further consideration by the appropriate Scrutiny Committee, as a number of the recommendations refer to implementation within two/three months from the receipt of the report the Committee unanimously agreed that it would be beneficial for the progress to be monitored at the next meeting of the Policy and Resources Committee.
4. Members are advised that the Chair of the Standards Committee (or a nominee) will be invited to attend the Scrutiny Committee when this report is considered.
5. In respect of progress made in relation to the recommendations Members are advised that since the meeting of the Standards Committee two further recommendations of the Ombudsman have been complied with namely recommendations (d) and (e). For Members ease of reference the Ombudsman's recommendations are set out below in full together with brief details of compliance with each recommendation. Housing Officers will provide a further update to Members at the meeting.

- (a) Within one month of the report being finalised, the Council's Acting Chief Executive should apologise to the complainant for the failings identified. In addition, the Council should in recognition of the impact of those failings on the complainant, which included the uncertainty as to whether she may have been offered accommodation in 2002, make a payment to her of £500.

The Chief Executive has written to the complainant in accordance with this recommendation and a payment of £500 has been made

- (b) Within one month of the report being finalised, the Council's Housing Services should remind its housing allocation staff of the importance of ensuring, where supported by the facts, enquiries were made where necessary to ensure applicant's housing applications are correctly pointed in accordance with its lettings policy.

The Housing Department has undertaken a review of the 'Guidance for Staff Assessing and Registering Applications' document and relevant staff has been advised of the updates, with particular emphasis on the allocation of points to applications in accordance with Council policy.

- (c) Within one month of the report being finalised, the Council should provide appropriate training to relevant housing staff on the Council's Corporate Records Management Policy.

Managers within the Housing Department held team meetings with staff to highlight the importance of the Corporate Records Management Policy and made specific reference to good record keeping within their offices.

- (d) Within two months of the report being finalised, the Council's Housing Services should develop guidance on the factors for consideration when considering applying discretion in relation to the removal of time points.

A procedure and guidance has been produced to staff on the factors for consideration when considering applying discretion in relation to the removal of time points.

- (e) Once the guidance was in place, the Council's Housing Services should remind its housing allocation staff of the need to consider applying discretion at the point when the discretionary decision on the removal of time points was being exercised. Housing allocation staff should also be reminded of the need to demonstrate that discretion has been considered.

Allocation Staff have met and have been reminded of the need to use the procedure to demonstrate discretion.

- (f) Within three months of this report being finalised, if it had not already done so, the Council's Housing Services should provide training to relevant housing staff, including allocation staff, on the circumstances when the Council's homelessness duties may be triggered and the steps that should be taken. The Council's Housing Services should also review its documentation to satisfy itself that it supported the early recognition of when the Council's homelessness duties may be triggered and thus engaged.

- (g) The Council should within the timescales specified within the recommendations provide documentary evidence to this office of compliance with the recommendations above.

Documentary evidence for Recommendations a, b, c, d & e above has been submitted to the Ombudsman as requested.

- (h) Finally, in the interim period before the Council's Housing Services introduced its new lettings policy in 2015, where its housing allocation staff have reason to review a housing application that has had time points removed, the application should be reviewed against the guidance developed at (d) above.

6. Members are asked to consider the contents of the Report, the progress made to date in respect of the recommendations contained in the Ombudsman's report and action to be taken regarding outstanding recommendations.

Author: Lisa Lane, Solicitor

Appendices:

Appendix 1 Report and Appendix to the Standards Committee Complaint made to the Public Services Ombudsman for Wales - Case Number 201301753



STANDARDS COMMITTEE - 24TH NOVEMBER 2014

SUBJECT: COMPLAINT MADE TO THE PUBLIC SERVICES OMBUDSMAN FOR WALES - CASE NUMBER 201301753

REPORT BY: INTERIM HEAD OF LEGAL SERVICES AND MONITORING OFFICER

1. PURPOSE OF REPORT

- 1.1 To note the contents of the report from the Public Services Ombudsman for Wales on a complaint against Caerphilly County Borough Council.
- 1.2 To receive an update on the progress made to date in respect of the recommendations contained in the Ombudsmans report and action to be taken regarding outstanding recommendations.
- 1.3 To consider whether the matter would benefit from further consideration by the appropriate Scrutiny Committee. If Committee considers this course of action is appropriate a report setting out the reason for referral will be presented to the relevant Scrutiny Committee along with the report from the Ombudsman. The Chair of Standards Committee (or a nominee) will be invited to attend the respective Scrutiny Committee when the report is presented.

2. SUMMARY

- 2.1 To note the Ombudsmans Report and to consider whether or not to refer the matter to the appropriate Scrutiny Committee.
- 2.2 To receive an update on the actions taken in respect of the recommendations contained in the Ombudsmans report.

3. LINKS TO STRATEGY

- 3.1 The Authority is under a statutory duty to consider reports from the Ombudsman and to give effect to their recommendations. The duty to oversee this is within the terms of reference of this Committee

4. THE REPORT

- 4.1 Since 1st April, 2006 the Public Services Ombudsman for Wales ("the Ombudsman") has had jurisdiction under the Public Services Ombudsman (Wales) Act 2005.
- 4.2 There are two forms of report - a Section 16 which is the form of report which needs to be formally considered by the Authority and Section 21 where the Ombudsman feels that a public report is not required and the matter has been satisfactorily resolved.

- 4.3 The report dated 10th October 2014 has been issued by the Ombudsman under Section 21 of the Public Services Ombudsman (Wales) Act 2005. A copy of the full anonymised report is annexed at Appendix 1 for members' consideration.
- 4.4 The complainant's complaint centred on the Council's handling of her housing application over the preceding years and the way it had let properties on Street 1. Her caring responsibilities meant she only wished to be considered for accommodation in Street 1. Furthermore the complainant expressed dissatisfaction with the way the Council had dealt with her complaint.
- 4.5 The Ombudsman's investigation identified shortcomings in the Council's administration of the complainant's housing application, which led to periods when her housing application was not dealt with as efficiently or effectively as it should have been. Administrative inadequacies included: documents being mislaid; the complainant's housing application not being appropriately pointed; as well as instances of poor record keeping. The Ombudsman's investigation also found evidence that the complainant's housing application had for a period of time been erroneously cancelled (in 2002) and this was coupled with other administrative failings. To the extent set out in the report the complaint was upheld. The Ombudsman identified periods in respect of the complainant's housing application where although there were administrative failings, this did not cause the complainant personal injustice. In those instances, the complaint was not upheld.
- 4.6 The investigation also found that there was a failure by the Council to recognise when its statutory homelessness duties were engaged and to that extent this aspect of the complaint was upheld.
- 4.7 Given the failings identified, the Ombudsman concluded that the Council's response to the complainant had not been as robust, transparent or open as it could have been in acknowledging failings in the administration of her housing application. The Ombudsman therefore upheld this aspect of her complaint.
- 4.8 As a result the Ombudsman recommended the following
- (a) Within one month of the report being finalised, the Council's Acting Chief Executive should apologise to the complainant for the failings identified. In addition, the Council should in recognition of the impact of those failings on the complainant, which included the uncertainty as to whether she may have been offered accommodation in 2002, make a payment to her of £500.
 - (b) Within one month of the report being finalised, the Council's Housing Services should remind its housing allocation staff of the importance of ensuring, where supported by the facts, enquiries were made where necessary to ensure applicant's housing applications are correctly pointed in accordance with its lettings policy.
 - (c) Within one month of the report being finalised, the Council should provide appropriate training to relevant housing staff on the Council's Corporate Records Management Policy.
 - (d) Within two months of the report being finalised, the Council's Housing Services should develop guidance on the factors for consideration when considering applying discretion in relation to the removal of time points.
 - (e) Once the guidance was in place, the Council's Housing Services should remind its housing allocation staff of the need to consider applying discretion at the point when the discretionary decision on the removal of time points was being exercised. Housing allocation staff should also be reminded of the need to demonstrate that discretion has been considered.
 - (f) Within three months of this report being finalised, if it had not already done so, the Council's Housing Services should provide training to relevant housing staff, including

allocation staff, on the circumstances when the Council's homelessness duties may be triggered and the steps that should be taken. The Council's Housing Services should also review its documentation to satisfy itself that it supported the early recognition of when the Council's homelessness duties may be triggered and thus engaged.

- (g) The Council should within the timescales specified within the recommendations provide documentary evidence to this office of compliance with the recommendations above.
- (h) Finally, in the interim period before the Council's Housing Services introduced its new lettings policy in 2015, where its housing allocation staff have reason to review a housing application that has had time points removed, the application should be reviewed against the guidance developed at (d) above.

4.9 Members are asked to note the recommendations set out in the Ombudsman Report

4.10 The Council's Housing Department accepted the findings and agreed to implement the recommendations, and at the time of writing this report the following progress has been made regarding the recommendations. A further update will be provided to Members at the meeting.

Recommendation (a)

The Chief Executive has written to the complainant in accordance with this recommendation and a payment of £500 has been made.

Recommendation (b)

The Housing Department has undertaken a review of the 'Guidance for Staff Assessing and Registering Applications' document and relevant staff has been advised of the updates, with particular emphasis on the allocation of points to applications in accordance with Council policy.

Recommendation (c)

Managers within the Housing Department held team meetings with staff to highlight the importance of the Corporate Records Management Policy and made specific reference to good record keeping within their offices.

Recommendation (g)

Documentary evidence for Recommendations a, b & c above have been submitted to the Ombudsman as requested.

5. EQUALITIES IMPLICATIONS

5.1 None arising from the contents of the report.

6. FINANCIAL IMPLICATIONS

6.1 The payment referred to in paragraph 4.8(a) has been met from existing budgets.

7. PERSONNEL IMPLICATIONS

7.1 There will be personnel implications as a result of staff training required as part of some of the recommendations. These actions can be undertaken within existing staff resources.

8. CONSULTATIONS

- 8.1 This report reflects the contents of the Ombudsman's Report and therefore there has been no formal consultation on the format of this report. A copy of this report and appendix has been provided to the consultees listed below.

9. RECOMMENDATIONS

- 9.1 That the Committee notes the contents of the Report and progress made to date in respect of the recommendations contained in the Ombudsmans report and action to be taken regarding outstanding recommendations.
- 9.2 To consider whether the matter should be referred to the appropriate Scrutiny Committee, the grounds for referral are where in the opinion of the Standards Committee there has been a serious failure in service delivery that would benefit from further consideration by the appropriate Scrutiny Committee. If Committee considers this course of action is appropriate a report setting out the reason for referral will be presented to the relevant Scrutiny Committee along with the report from the Ombudsman. The Chair of Standards Committee (or a nominee) will be invited to attend the respective Scrutiny Committee when the report is presented.

10. REASONS FOR THE RECOMMENDATIONS

- 10.1 To satisfy the Council's statutory duties under the Public Services Ombudsman (Wales) Act 2005.

11. STATUTORY POWER

- 11.1 Public Services Ombudsman (Wales) Act 2005, Local Government Act 1974.

Author: Gail Williams, Interim Head of Legal Services and Monitoring Officer
Consultees: FOR INFORMATION ONLY
Chris Burns, Interim Chief Executive
Nicole Scammell, Acting Director of Corporate Services/Section 151 Officer
Shaun Couzens, Chief Housing Officer
Graham North, Public Sector Housing Manager
Councillor K. Reynolds, Leader
Councillor G. Jones, Deputy Leader and Cabinet Member for Housing
Diane Holdroyd, Chair of Standards Committee

Background Papers:
None

Appendices:
Appendix 1 Report of Public Services Ombudsman for Wales 10th October 2014

201301753

Complaint against Caerphilly County Borough Council ("the Council")

The complaint

In summary, you complain:

1. That the Council's records do not reflect the fact that you have been on its housing waiting list since April 1988. The Council says it only has records of you being registered on its waiting list since September 1999.
2. That over the preceding 12 years the Council has not let properties on Street 1 in accordance with its lettings policy. You note that you are your mother's main carer so need to live close to her. You later informed me that due to your caring responsibilities for your mother you have been in receipt of carer's allowance for the past 17 years. I understand that your mother is a Council tenant.
3. About the pointing of your housing application. For example, you are dissatisfied that you have not been awarded medical points despite your epilepsy returning with the stress of your housing situation. As you faced being homeless, following the start of the investigation you moved to alternative private rented accommodation in the area. I understand from you that the rent the landlord was seeking was the cheapest you could find at the time.
4. About the Council's response to your complaint.

Investigation

5. As part of my investigation, information was sought from the Council including a copy of your housing file and the Council's computerised database entries. As my investigation has covered events that occurred sometime ago, not surprisingly as policies and procedures have changed over the years, the Council no longer has in its possession key policies such as its lettings policy amended in 2000. The earliest lettings policy the Council was able to provide to this office was amended in February 2003.

6. During my investigation, I visited the Council to look at your housing file which is kept electronically. I also met with you to discuss your complaint further. You and the Council were also given an opportunity to comment on my provisional findings.

7. Finally, although I have not included every detail investigated, I am satisfied within the remit of my investigation that nothing of significance has been overlooked.

A summary of the legislation/guidance/policies and procedures considered

8. I have considered relevant housing legislation and guidance as well as the Council's policies and procedures. In addition, I have had regard to the Ombudsman's powers and the restrictions that apply. Some of the matters considered are outlined in the attached appendix.

Relevant background information and events

9. I have reviewed your housing application file. The earliest housing application that it contains is dated **30 May 2002**. In that application, the Acting Estate Management Officer ("Acting EMO") dealing with your application made a handwritten reference to a September 1999 application. However, there is no evidence of this application on your file and the Council has confirmed to this office that it has been unable to locate it.

10. In your May application you set out your wish to be re-housed with your adult niece.¹ You highlighted that you had moved into your current address, a private rented property, as you and your partner had separated in November 2001. You noted that you looked after your disabled mother who lived in the adjoining property and this was why you needed to live in Street 1. Finally, you raised concerns about your tenancy and also ticked the box relating to being at threat of losing your present accommodation.

11. On 11 June, the Acting EMO wrote to you requesting further information including proof your niece resided with you and confirmation of the number of steps to the front and rear of the property. She said that your application would be suspended until this information was received.

12. You returned the Acting EMO's letter and the Council has date stamped it as being received on 17 June. You provided the requested information, but in addition, on the back of the letter you also noted that your four month contract with your landlord had ended. You expressed concern that you and your niece would be "out on the streets" if the property was sold, although you noted the

¹ The fact that your niece was residing with you meant you were eligible for family accommodation.

landlord's reassurances that you and your niece would not be asked to leave. You again highlighted that you were a full time carer for your mother and this was why you needed to live in Street 1. The Acting EMO's handwritten note on the letter said "add 4 points steps".

13. On 14 June, the Acting EMO completed a database entry in which she recorded:

"Check file for former arrears – application suspended – Mrs [A] has applied on her own – application suspended as previous partner is also entitled to time points if re-applies. If no response from Mr [B] within the next few months – application can be cancelled."

14. You returned a disclosure form to enable the Council to make further enquiries about your housing application on 20 June.² The following day, the Acting EMO wrote to your former social housing landlord, a housing association, ("the HA") requesting information about your tenancy including whether there had been any rent arrears.

15. In the section on the application form for housing staff to complete, the Acting EMO has recorded that you were on the General Needs waiting list and that your points assessment was 25 points (made up of 9 affordability points, 6 points for having a private landlord and 10 waiting time points). The Council's database was updated on 20 June.

16. The Council has provided me with a print off of its housing application notes screen (referred to as the "Application Screen"). This shows that the Acting EMO amended your application on the 20 June and that you had 29 points. The database entry noted that your application had been suspended until 20 June as enquiries were pending.

17. On 20 June, the Acting EMO sent you the Council's standard letter in which she noted that your housing application had been "assessed" in accordance with the Council's lettings policy and you had been awarded 25 points. A breakdown of your points allocation was not provided. However, the letter referred to further information about the way the points scheme worked being enclosed. You were also informed of the right to request a review of your application if you were dissatisfied with the way the points had been calculated. Finally, you were also advised:

"Your name may be removed from the Housing Register... if you do not reply to any letter sent to you regarding your application. You will be

² The Acting EMO's database entry for 20 June highlights that the information had been received and that she was awaiting a response from the Housing Association.

notified, by letter, if we intend to remove your name from the Register, and we will wait 28 days before we cancel your registration, giving you time to reply, giving reasons why you should remain registered.”

18. The Application Screen shows that in the “the Re-registration Action and Date” row, “Second Letter” has been inserted in the drop down box. In the adjoining box the date “21.08.2002” has been added. The print off also shows that on 11 September your application was cancelled and the reason cited was that the applicant failed to re-register (see paragraph 13). The Acting EMO is identified as the officer responsible for carrying out the amendments.

19. I have reviewed a selection of computer print offs of lettings and shortlisted applicants offered accommodation on Street 1 since 2000. From 21 October 2002 to 17 November only three bedroom properties became available. I note that on 16 December 2002, the Acting EMO allocated a two bedroom property which had become vacant on 18 November to an applicant with one child positioned third on the waiting list (“applicant 3”). Applicant 3 had been on the waiting list since 24 October 2001. The shortlist of applicants shows that there were two higher pointed applicants. However, the Acting EMO has recorded that the first applicant (with 39 points) wanted to be in a flat area and had not been offered the property. The second applicant, who had 35 points and had been on the waiting list since 24 May 2001, had been offered the property but subsequently refused it. Applicant 3 had initially been overlooked pending enquiries as it appears he had not responded to the offer letter. The fourth applicant (with 34 points), who had been on the waiting list since 9 April 2001, was overlooked because he had former rent arrears of over £1400 whilst it appears that the fifth placed applicant (with 33 points) had been overlooked pending enquiries again following no response to letters. Contact was made with applicant 3 on 9 December and a points check visit was arranged. I note that the offer was subsequently confirmed and the tenancy taken up. Between 2 June 2003 to 20 February 2006 only three bedroom properties became available for letting on Street 1.

20. On **28 February 2003**, the Acting EMO completed a database entry concerning your housing application in which she noted: “applicant has been reinstated”. The Council has provided me with a print off of actions undertaken on your housing application (which I shall refer to in this report as “Action List”). This confirms that the suspension on your housing application was removed. The entry records that you had 34 points.³

21. On 3 March, the Acting EMO wrote to the HA again repeating her request for information about your tenancy. The HA responded on 10 March and highlighted that while there had been no managerial problems with your tenancy there were outstanding rent arrears of £100.3

³ On 14 September 2002, if your application had not been cancelled you would have been entitled to a further 5 time points.

22. On 24 March, a database entry⁴ completed by another officer refers to your application being re-instated.

23. The Acting EMO wrote to you (on 28 March) to say that you had 34 points, although again the points were not broken down. Details of your outstanding rent arrears were also noted on the letter and you were advised that every effort should be made to clear these arrears before an offer of accommodation was made.

24. During the period 2004 to 2005, the database entries refer to re-registration forms being sent to you periodically and subsequently being returned by you.⁵

25. On **26 October 2005**, you wrote to the Council to inform them that your landlord was going to increase your rent. You highlighted that the accommodation would no longer be affordable and you would have to move. You also raised concerns about not receiving an offer of accommodation with regards to Street 1, despite vacancies occurring. You again highlighted your caring responsibilities.

26. On 9 November, the Council wrote a series of letters to you. In the first letter, the fact that your niece no longer formed part of your housing application was noted. The housing officer dealing with your application added that this had resulted in your removal from the list for family accommodation and your placement on the list for single persons accommodation. The housing officer also noted that your time points had been removed in accordance with the Council's lettings policy and that you now had 19 points.⁶ A summary of how your points had been calculated was provided. In the second letter, the housing officer said that in the event of your rent increasing you should contact Housing Benefit for further information. In relation to Street 1, the housing officer explained that because of the shortage of family accommodation such properties were allocated to families only. The housing officer suggested that you contacted her if you wished to discuss your application further. The final letter was the Council's standard housing application letter which referred to your points breakdown and the review process.

⁴ A separate print out noted your application was reinstated and re-registration confirmed. The database entries were made at 2.31pm.

⁵ The only re-registration letter that your housing file contains for this period was dated 10 October 2005. On this form you have deleted your niece's name.

⁶ Your points were made up of 4 points for steps front/rear, 6 points for having a private landlord and 9 points for affordability. There was no evidence of the Council carrying out any enquiries to establish when your niece was no longer part of your application.

27. There is a housing re-registration letter signed by yourself on **28 November 2006** which the Council has date stamped as being received on 13 December.⁷ Periodically, between **17 December 2007 to 6 February 2009**⁸ the database entries refer to re-registration letters being sent and re-registration being confirmed.

28. A database entry (dated 20 October 2009) noted, amongst other matters, that you had been advised over the telephone to add more areas as there were no single persons accommodation in your chosen area.

29. In the intervening years up to **2011**, there are further database references to you responding to re-registration of your housing application, although again no documentary evidence of this exists on your file.

30. On **3 January 2012**, a database entry indicated that as your re-registration form had indicated a change in your circumstances a housing application to detail that change had been sent to you.

31. On the form (dated 31 October), you said that you wished to make a joint housing application with your partner. In response to question 15, state of repair, you detailed in the relevant section (as well as on a separate sheet of paper) some of the difficulties you were experiencing with your landlord, which included outstanding disrepairs. You also documented associated safety concerns. Amongst the disrepairs you highlighted were: the hot water not working; a small gas leak that had been present for over a year and; for a seven year period having a cracked front bedroom window and a large hole in the kitchen ceiling caused by a leaking boiler. You highlighted the impact that the disrepair issues, coupled with the stress of the landlady saying that she was going to sell the property, had had on your health. You again reiterated that you were a carer for your mother and so needed to live close to her. In terms of areas you ticked your chosen area only and a handwritten note next to it referred to Street 1.

32. Your housing file contains the housing officer's housing application assessment sheet in which she noted the actions to be taken on your housing application. One of the steps noted "Loss of waiting time pts [points] changed from S/P [Single person] to G/N [General Needs] as of 5.11.12".⁹ The housing officer also noted "Advise [applicant] to contact [Environmental Health] with regards to condition of property". You were awarded 12 points (6 points for having a private landlord; 2 points for steps to front of property and 4 points for leaking windows/doors.

⁷ This was one of only two forms signed re-registration forms on your housing file; although the Action List details re-registration letters being sent out and confirmed.

⁸ Amongst the documentation you provided was the 30 January 2009 annual review letter.

⁹ There was no indication that the officer had considered exercising discretion in relation to your time points on your housing file.

33. The Council sent you a number of letters on 7 November including a request for further information, a standard housing points letter advising you had 14 points, and a letter asking you to contact the Environmental Health Department ("EHD") concerning the condition of your rented property.¹⁰

34. On 22 November the Council sent you a follow up chaser letter. The Council noted that if you did not respond your application might be cancelled.

35. On **2 January 2013**¹¹ the Council wrote to say your housing application had been cancelled as you had not responded to its request for information. You were informed that arrangements would be made to remove your name from the housing list. The review details were set out in that letter.

36. You wrote to the housing officer on 4 February, and referred to a telephone call¹² that had taken place between an Independent Housing Advice Agency and the housing officer that day to establish why you had no time points. You noted that the housing officer had said that she would investigate the matter. In your letter, you asked the housing officer to confirm in writing what she had found out. A database entry noted that the Council reinstated your housing application (on 13 February) after completing its enquiries. On 8 March, in response to a letter from the Council (dated 20 February), you wrote to the housing officer expressing disappointment with your points allocation and the removal of your time points. You again referred to the length of time you had been on the waiting list and asked for an explanation. The Council responded on 15 March. In a later letter (dated 26 March) you not only emphasised your caring role again but made further reference to the outstanding disrepair in your private rented accommodation.

37. On 17 April you attended at the Council where a housing options enquiries form was completed. I have examined the form and note that in the section relating to whether an applicant is homeless or threatened with homelessness, the section 21 notice box has been ticked. I also note that questions designed to establish the extent of the Council's homelessness duty were also completed. The section relating to disrepair and property condition was left blank. The notice to quit ("NTQ") (dated 8 April) that you received from your landlady is on your housing file. At this interview, you were given advice about the validity of the NTQ.

38. On 21 April you wrote to the Council concerning your epilepsy. You asked if you could widen your area from just Street 1 to the whole of your chosen area. Shortly afterwards (on 24 April) you again wrote to the Council setting out your

¹⁰ This letter was not on your housing file but was amongst the documentation you provided to this office.

¹¹ This letter was not on your housing file.

¹² There was no record of such a telephone call on your housing file. In your response to the draft report you explained that you had been present when the Housing Adviser from the Independent Housing Advice Agency had contacted the housing officer.

caring responsibilities. Your housing file contains your Special Housing Needs form¹³ that you completed in order to apply for medical points on the grounds of depression and epilepsy. Your housing file also contains a supporting letter (dated 3 May) that a disability support group wrote on your behalf, where your caring responsibilities are mentioned, together with a letter from your Assembly Member ("AM") to a Member of the Council detailing your imminent homelessness.

39. On 22 April your housing officer wrote¹⁴ to you. She referred to your recent correspondence and Housing Options interview where you had disclosed that you were a registered carer for your mother. You were asked to provide further information in terms of your caring responsibilities.

40. On 23 April the Council's Housing Advice Centre wrote to you to say that it had been informed that you might be a person that was homeless or threatened with homelessness. You were asked to arrange an appointment for a homelessness officer to determine, amongst other matters, what duties the Council owed to you under the relevant homelessness legislation.

41. On 24 April the Council wrote to you to explain when medical points are awarded. You were asked to complete and return the Special Housing Needs form which you subsequently did. The Council wrote to you (on 1 May) setting out what would happen next.

42. On the same date it seems that the housing officer referred your case to the EHD.¹⁵ I have had sight of the correspondence sent to you and your landlady from the EHD concerning arrangements to visit the property. Following a visit from an Environmental Health officer your disrepair points were increased from 4 to 20 points (as you obtained an additional 8 points for a leaking roof and 8 points for severe damp).

43. I have reviewed a series of internal Council e-mails including those between the Area Housing Manager and the Public Sector Housing Manager ("the PSH Manager"). In one e-mail (dated 10 May), the PSH Manager suggested that the Council use its discretionary powers to reinstate your time points if it would improve your housing prospects. In a subsequent e-mail the PSH Manager was informed why even with 49 points your points were insufficient for an offer in your chosen area.

¹³ The form is date stamped as being received by the Council on 29 April.

¹⁴ This letter was not on your housing file but was amongst the documentation that you provided to this office.

¹⁵ Details of the referral were not on your housing file.

44. On 13 May the Council sent you its standard housing points letter to say you had 49 points made up of 8 points for a leaking roof; 8 points for severe damp; 4 points for leaking windows/doors; 4 points for steps front and rear; 6 points for private landlord; 9 points for affordability code and 10 points for providing support/care.

45. On 21 May the Council's Area Housing Manager wrote to you and your partner. She advised that your application was registered with the Council in September 1999. She also said:

"...I can confirm that you have not been passed on the list for any vacancies but because you have limited the areas where you require housing and the properties do not become available often, applicants with higher points are offered before you".

46. Between 23 May to 1 August 2013, your housing file contains various correspondence relating to your housing complaint including a response letter that the PSH Manager sent to your AM (dated 23 May). In this letter the PSH Manager detailed the low turnover of housing stock in your chosen area and the limited number of council housing in the area. He also noted that since August 2012 the Council had only had one nomination request for a two bedroom property that the HA owned in the area. Referring to your housing position, including the NTQ, he suggested that you contacted the Housing Advice Service on a more formal basis.

47. In the PSH Manager's (stage 2) response letter of 1 August to you, he noted in terms of time points that "you will lose these time points if your circumstances change and you move from one waiting list to another i.e. single to couple."

48. Having detailed some of the lettings that had taken place on Street 1 the PSH Manager concluded:

"I can confirm that I have reviewed our records and I am satisfied that your application has been dealt with in accordance with the Allocation Scheme and you have not been overlooked for any properties that have become available in your chosen area."

The Council's evidence

49. The Council in its formal response said that with regards to your claim that you had been on the waiting list since April 1988 it held no record to indicate that this was the case. The Council said that following re-organisation in 1996 its

Housing Department had implemented a new computer system in 1997. Any applications registered at that time were transferred to the new system with applicants retaining their effective dates. The Council said that there was no record of your application being transferred to the new system, which suggested that you did not have an active application registered at that time. It noted that you had indicated that you had paperwork confirming that you had applied for housing in 1988 but to date had been unable to provide the Council with these records.

50. The Council said that all its records had been checked and the information available showed that your application was registered with the Council with effect from 14 September 1999. However, the Council acknowledged that it had been unable to find a copy of this particular application. It later confirmed that apart from a database entry on 1 October 1999¹⁶ there were no database entries detailing activities on your housing application between 14 September 1999 and 31 May 2002.

51. The Council again confirmed that the allocations that you queried in relation to Street 1 had subsequently been checked and that you had been advised that they had all been allocated to applicants with a greater number of points than your application was awarded at those specific times.

52. The Council explained that with regards to medical points that following the return of the Special Housing Needs Form in April 2013, your case had been assessed by a housing occupational therapist in April 2013 who had been unable to recommend additional points for disability arising as a direct result of your then accommodation. The Council noted that you had been advised of the outcome. The Council noted that it had sent you a Mental Health Questionnaire (on 28 August) as the main issues seemed to revolve around your mental health. At the time of the Council's formal response to this office it said the completed form had not been returned.

53. In response to further enquiries, the Council confirmed that the only signed re-registration forms that it had on your housing file were those dated 10 October 2005 and 28 November 2006. It said that it was possible that you had responded to other re-registration letters by telephone. The Council said that although Housing Services has no case management/file recording policy and procedure in place in respect of telephone calls, an officer would be expected to note any relevant information arising from such a call.

¹⁶ This entry noted that Street 1 was your choice in your chosen area.

54. The Council once again clarified its position on the circumstances when time points are removed following a change in an applicant's status. It said that in accordance with its letting scheme, when an applicant moves from the Single Person's waiting list to the General Needs waiting list "any time points accrued are removed."

55. In my discussion with the PSH Manager, he highlighted that the changes in terms of time points had been introduced because applicants would be on one list for a considerable period of time and would then move to another list and overtake applicants in greater need. He noted that applicants could request a review of their points and that it was at that stage that officer discretion came into play and consideration was given to whether the applicant had made a strong enough case for the retention of their time points. If a person did not request a review then their time points were not reviewed. The onus was on applicants to trigger the use of an officer's discretion.

56. On the homelessness front, the Council confirmed that your letter (dated 26 October 2005), did not trigger any homelessness inquiries at that time. It said that you had stated that your rent was about to be increased and you would need to move if the Council did not pay the extra rent. The Council indicated that it had not made a decision concerning the increased rent at that time. You were advised to contact the Housing Benefit section for further advice on this.

57. The Council added that the information you provided in your application in October 2012 again did not trigger any homelessness inquiries. Following the Housing Options interview on 17 April 2013, conducted at its Area Housing Office, the completed form was passed to its Housing Advice Centre who then wrote to you inviting you to contact them to arrange an appointment to discuss your situation but you did not make an appointment.

58. In conclusion, the Council said that it acknowledged that your application had been registered with the Council since 1999. However, it noted that you had always restricted your choice for housing to one particular street in your chosen area. The Council noted that there are only 36 council owned properties in this street and of these only eight are two bedroom properties. During the time your application had been registered there had been several changes in your circumstances which affected your award of points and the type of property you were eligible for. The Council indicated that from the information available it was satisfied that you had not been treated to your detriment at any time and had not been overlooked for any appropriate lettings.

59. Following further enquiries the Council confirmed that it was unable to locate its 2000 lettings policy or any of its lettings policies in the intervening period including 1997. The Council also highlighted that it could not say with absolute certainty whether the social factor criteria detailed in its 2003 lettings

policy would have been the same in 2002. Likewise, it could not say definitively how it would have dealt with your former rent arrears in 2002. During my visit to the Council it also highlighted that following changes to its IT database it was no longer able to access some of the earlier letters that it would have sent to you.

60. The Council was asked to provide details of lettings for a random sample of council lettings that had occurred in Street 1. In relation to a three bedroom letting that occurred in 2008 ("the 2008 letting") when the applicant was positioned 9th on the waiting list the Council commented as follows. It said that during the time you have been on the waiting list it had operated different computer processes and systems which explained the different types of shortlist print outs. In addition, at the time of the 2008 letting all lettings were dealt with by a centralised allocations team. At this time, the allocation team provided the relevant housing officer with a list of applicants in batches of five at a time. While the Council was able to provide the second batch of five shortlisted applicants (with the 9th applicant's details on it), the Council said it was unable to locate a record of the first batch of five shortlisted applicants.

61. The Council also advised that it had been unable to provide shortlists for three of the lettings highlighted as these tenancies had since ended and the paperwork subsequently destroyed in accordance with the Council's normal policy.

Analysis and conclusions

62. You have complained about the Council's handling of your housing application. You have also complained about the way it has let properties on Street 1 over the preceding 12 years. Finally, you remain unhappy with the Council's response to your complaint.

63. My investigation has revealed shortcomings in the Council's administration of your housing application. As a consequence, I consider that there were periods when your application was not dealt with as efficiently and effectively as it should have been. The failings that I have identified include instances of poor record keeping. This has meant evidence to substantiate activities that have occurred in relation to your housing application have not always been on your housing file. For example, I would expect to find evidence of a response to a re-registration letter as it demonstrates, by way of an audit trail, that the applicant remains eligible for housing under the Council's lettings policy. However, there were repeated examples of this information not being available. Given the instances of poor administration that my investigation identified, I cannot totally discount the possibility that you submitted an application earlier than 1999. However, that said, I do not consider it unreasonable for you to have to provide the necessary evidence in support of what you say. I understand that this

information is no longer available to you. To the extent set out in this report, I consider that there were failings in record keeping in respect of your housing file. These failings amounted to maladministration. I have therefore **upheld** this aspect of your complaint.

64. I consider that a reasonable council, in discharging its statutory function, will consider the facts contained in the housing application and assess those facts against its lettings policy. This may mean seeking further information from the applicant. While I acknowledge that the review avenue is open to an applicant to have their points corrected, the review process should not be seen as a substitute for proper management of an application.

65. I am of the view that it would have been reasonable for the Council to have directed its mind to whether you were entitled to social factor points much sooner than in fact occurred. This did not happen. I would also have expected, given the disrepair issues that you raised, for Housing Services to have made the referral, rather than expecting you to contact the EHD (see paragraph 33). This is particularly so given the Council's letting policy, and the fact that Housing Services and the EHD work within the same Council. As a consequence, there was a delay in proper consideration being given to your social factor and disrepair points. While I consider that there have been failings in the pointing of your application I have taken into account the following. Between 2 June to 31 October 2003, only three bedroom properties became available in Street 1. It seems that you would not have been eligible for three bedroom accommodation in this street. Between 31 October 2005 to 31 October 2012, your changed circumstances meant you would only have been considered for single persons accommodation. From October 2012 (when your changed circumstances meant you again became eligible to go on the general needs register), I note that you still only wished to be considered for Street 1. The only property that became available after this date was a three bedroom property (let on 17 December 2012). On the evidence available, I do not believe that the Council's failings caused you personal injustice for the time periods detailed in this paragraph. I have therefore **not upheld** this aspect of your complaint.

66. I note that in 2002 your housing application was wrongly cancelled (see paragraphs 13 and 18) and I have concluded, based on the evidence, that the circumstances that led to this happening amounted to maladministration. The effect of this was that you were not on a shortlist of applicants when a two bedroom property became available (see paragraph 19). With your time points you would have had 34 points. However, I cannot say, in the absence of the pertinent policy, whether you would have satisfied the criteria for social factor points at that time. Again, given that there were failings in terms of the Council following up your tenancy reference with the HA, I am unclear how the Council would have addressed this or indeed your former tenant arrears, if these had

been known at the point when the two bedroom property in Street 1 became available. A degree of uncertainty therefore exists as I cannot rule out the possibility that if your housing application had been dealt with properly that you might have been in a position to be housed at that point. However, the nature of the failings coupled with the absence of the relevant lettings policy means I am unable to be definite in my conclusions.

67. The Council's lettings policy uses the word "normally" (see paragraph 76) to show it has the discretion **not** to remove time points in situations such as yours when an applicant becomes part of a couple and moves from the single persons list to the general needs register. Repeatedly both in correspondence to you and this office (see paragraphs 47 and 54), the Council has failed to recognise the discretionary aspect of its policy and treated it instead as a blanket policy by referring to "will" in relation to the removal of time points. In cases such as yours at the point when the decision to remove the time points is being made (see paragraph 32), I would expect to find evidence that the officer had considered applying discretion. In the event that discretion was not applied, I would expect the officer to document fully the reasons for not doing so having taken into account the individual merits of an applicant's case. It seems to me that only applying discretion if an applicant requests a review of their points amounts to a failure to properly exercise the duty to reach an individual decision on each case. As such it is tantamount to a council fettering its discretion.

68. In terms of your medical points, I have considered the Council's actions and on the evidence I have considered it appears that the Council took the appropriate steps to consider and advise you about the basis on which medical points are awarded. However, it is likely from a homelessness perspective that the sort of health issues you were raising would be one of the factors that a council carrying out homelessness inquiries would need to consider in examining suitability and whether it was reasonable for a homeless applicant to remain in their accommodation.

69. I have outlined the supporting case law and guidance on homelessness (see appendix). This highlights when a council's homelessness duties may arise and how it may affect an applicant's housing application. It also clarifies that a formal homelessness presentation is **not** required to trigger a council's homelessness duty. I consider that there were instances when the Council's homelessness duties were triggered in your case (arguably at paragraph 25 and more definitely at paragraph 31), since you were raising issues about the suitability of the accommodation and whether it was reasonable for you to continue to occupy it by reason for example of affordability or disrepair. I am also of the view that the Housing Option interview amounted to a homelessness determination (see paragraph 37) as the extent of the Council's homelessness

duties were being considered. I am satisfied on the evidence that I have considered that the Council, in failing to recognise its homelessness duties had been triggered, failed to fulfil its homelessness duties as set out in the homelessness legislation which includes the issuing of a section 184 homelessness decision letter containing certain information. To that extent I consider that the Council was maladministrative. I would stress that even if a homelessness duty is triggered this does not mean that a council has to then provide permanent accommodation. However, depending on the outcome of any homelessness inquiries it may affect the pointing of an applicant's housing application. To the extent set out in this report, I have **upheld** this aspect of your complaint.

70. Finally, in view of the failings I have identified, I consider that the Council when responding to your complaint was not as robust, transparent, or open as it could have been in acknowledging failings around the administration of your housing application. As a consequence, you have had the additional inconvenience and distress of having to complain further to this office. I have therefore **upheld** your complaint.

Recommendations

71. I **recommend** that:

- (a) Within **one month** of the report being finalised, the Council's Acting Chief Executive should apologise to you for the failings that I have identified. In addition, the Council should in recognition of the impact of those failings on you, which includes the uncertainty as to whether you may have been offered accommodation in 2002, make a payment to you of £500
- (b) Within **one month** of the report being finalised, the Council's Housing Services should remind its housing allocation staff of the importance of ensuring, where supported by the facts, enquiries are made where necessary to ensure applicants' housing applications are correctly pointed in accordance with its lettings policy
- (c) Within **one month** of the report being finalised, the Council should provide appropriate training to relevant housing staff on the Council's Corporate Records Management Policy
- (d) Within **two months** of the report being finalised, the Council's Housing Services should develop guidance on the factors for consideration when considering applying discretion in relation to the removal of time points

- (e) Once the guidance is in place, the Council's Housing Services should remind its housing allocation staff of the need to consider applying discretion at the point when the discretionary decision on the removal of time points is being exercised. Housing allocation staff should also be reminded of the need to demonstrate that discretion has been considered
- (f) Within **three months** of this report being finalised, if it has not already done so, the Council's Housing Services should provide training to relevant housing staff, including allocation staff, on the circumstances when the Council's homelessness duties may be triggered and the steps that should be taken. The Council's Housing Services should also review its documentation to satisfy itself that it supports the early recognition of when the Council's homelessness duties may be triggered and thus engaged
- (g) The Council should within the timescales specified within the recommendations provide documentary evidence to this office of compliance with the recommendations above
- (h) Finally, in the interim period before the Council's Housing Services introduces its new lettings policy in 2015, where its housing allocation staff have reason to review a housing application that has had time points removed, the application should be reviewed against the guidance developed at (d) above.

I am pleased to note that in commenting on the draft of this report the Council has agreed to implement these recommendations.

Maureen Campbell-Taylor
Senior Investigator

10 October 2014

FOOTNOTE

This letter constitutes a report under s.21 of the Public Services Ombudsman (Wales) Act 2005 and is issued under the delegated authority of the Ombudsman.

Appendix

72. As part of my investigation, I have considered the legislation relating to the Ombudsman's powers and the restrictions that apply. The role of the Ombudsman is to investigate complaints that a listed authority such as a council has been guilty of maladministration and service failings and as a result the complainant has suffered injustice. The legislation does not say what is meant by maladministration but it is taken to mean that a listed authority has acted incompetently or improperly when it comes to its administrative functions.

73. I have also considered the Ombudsman's guidance on the principles underpinning "Good Administration"¹⁷ which emphasises, amongst other matters, the importance of listed authorities creating and maintaining reliable and usable records as evidence of their activities.

74. Furthermore, I have reviewed previous Ombudsman's cases including public reports¹⁸ relating to lettings and homelessness where there has been a failure by a council to recognise the triggering of its homelessness duties or inadequacies in the way that a council has dealt with an applicant's housing application.

75. A local housing authority ("LHA") when allocating its housing stock has to work within the relevant housing legislation,¹⁹ and take account of Welsh Government guidance²⁰ on how its lettings policy should operate. In addition, although not detailed in the legislation, administratively, a LHA when carrying out its statutory function must make such enquiries as will allow it to be satisfied that it has properly discharged its role.²¹

76. The Council uses a points based system to help determine priority, with those applicants in greatest need generally getting the highest points. I have reviewed the Council's lettings policy which has been amended over the years in response to changes in legislation and guidance. Broadly, as well as pointing applicants based on needs, the Council's lettings policy details:

- How changes in an applicant's circumstances may affect their time points. For example, the February 2003 amended lettings policy said that in the case of childless couples, where a single person formed a relationship with a partner prior to rehousing, they would "normally" be required to re-apply as a family without carrying forward any of the time in need points accumulated during the period as a single person. In the converse

¹⁷ Public Services Ombudsman for Wales (March 2008) Principles of Good Administration.

¹⁸ Case reference 200602563 issued 4/9/2008; case reference 200600749 issued 16/4/2008; case reference 200902138 issued 15/6/2011

¹⁹ The Housing Act 1996 as amended.

²⁰ Code of Guidance for Local Authorities on Allocation and Homelessness (April 2003) updated August 2012.

²¹ R v Islington LBC ex p Thomas (1997) 30 HLR 111 QBD.

situation, where a relationship breakdown occurs, each applicant retained their time points. Where an applicant was no longer eligible for family accommodation prior to an offer of a tenancy, they would have to re-apply as a single person and would be granted the time in need points accumulated during the period as a single person. The 2013 amended lettings policy in this area while it has sought to clarify aspects of the policy remains substantively unchanged

- The Council's annual review of applicants on its waiting list
- What happens if a housing application is cancelled
- The criteria for awarding private sector disrepair points and when a referral to the local Environmental Health Office will occur.

77. Homelessness legislation, accompanying guidance²² and case law details a LHA's homelessness duties. In terms of homelessness, there is no explicit requirement for a person who is homeless or threatened with homelessness to make a homelessness application.²³

78. If, and case law supports this, a LHA has reason to believe that an applicant **may** [my emphasis] be homeless,²⁴ or threatened with homelessness, then it **must** [my emphasis] make inquiries sufficient to satisfy itself as to whether the applicant is eligible for assistance. In addition, the council must also determine whether it has any duty to the applicant and the extent of that duty.²⁵ For example affordability and disrepair issues may raise issues about the suitability of the accommodation and whether it is reasonable for the applicant to occupy it. A LHA when deciding whether accommodation is reasonable to occupy, may have regard to the general housing circumstances that exist in the area that the applicant wishes to be housed.²⁶ The threshold for the triggering of a LHA's homelessness duty is low.²⁷

79. Once it has completed its inquiries, a LHA **must** [my emphasis] inform the applicant in writing of its decision and, provide the reasons for reaching that decision²⁸ ("the section 184 homelessness decision letter"). The applicant must also be informed of their appeal rights and the time limits for making an appeal.²⁹

²² Code of Guidance for Local Authorities on Allocation and Homelessness (April 2003), updated August 2012.

²³ Paragraph 12.2 of the Code of Guidance for Local Authorities on Allocation and Homelessness (April 2003).

²⁴ Housing Act 1996 (as amended) s.175.

²⁵ Housing Act 1996 (as amended) s184(1)

²⁶ Housing Act 1996 s177(2)

²⁷ ²⁷ *Aways & Ors, R (on the application of) v Birmingham City Council* [2007] EWHC 52 (Admin) 26 January 2007.

²⁸ Housing Act 1996 s184.

²⁹ Housing Act 1996 s202.



POLICY AND RESOURCES SCRUTINY COMMITTEE – 3RD MARCH 2015

SUBJECT: RESPONSE REPAIRS POLICY

**REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES AND SECTION 151
 OFFICER**

-
- 1.1 The report was considered by the Caerphilly Homes Task Group on the 11th December 2014.
 - 1.2 The report informed the Task Group on the implementation of a Response Repairs Policy for all Council Properties.
 - 1.3 The former 2004 policy was more of a staff training and procedure manual, which included a policy statement and was not intended to provide information for tenants and as such was not made available on the Council's Internet site. Response repairs are defined in the policy as: repairs that are required by tenants to existing elements of their property and tenants need to be aware of the arrangements the Council has in place for providing this service.
 - 1.4 The Response Repairs Policy highlights the activities and responsibilities involved in delivering a response repairs service to all Council properties by the in-house Housing Repair Operations team. The report also highlights its commitment to providing an effective and responsive housing repairs and maintenance service in order to ensure high levels of tenant satisfaction along with protecting the value of its housing stock.
 - 1.5 Having fully considered the report and the recommendation contained therein, the Caerphilly Homes Task Group recommend that the Policy and Resources Scrutiny Committee support the introduction of a Response Repairs Policy, prior to consideration by Cabinet.
 - 1.6 Members are invited to consider the report and the above recommendation.

Author: C. Evans, Committee Services Officer, Ext 4210

Appendices:

Appendix 1 Caerphilly Homes Task Group Report – 11th December 2014

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CAERPHILLY HOMES TASK GROUP – 11TH DECEMBER 2014

SUBJECT: RESPONSE REPAIR POLICY

REPORT BY: INTERIM CHIEF EXECUTIVE

1. **PURPOSE OF REPORT**

- 1.1 The purpose of this report is to provide information on the implementation of a Response Repairs Policy for all Council properties.
- 1.2 Following consultation by the Caerphilly Homes Task Group, this report will be submitted to Policy & Resources Scrutiny Committee for recommendations and thereafter to Cabinet for decision/approval.

2. **SUMMARY**

- 2.1 The report proposes to introduce a Response Repairs policy document to replace the former 2004 policy statement.
- 2.2 The former 2004 policy was more of a staff training and procedure manual which included a policy statement (copy attached Appendix 1). This was not intended to provide information for tenants and as such was not made available on the Council's internet website.
- 2.3 Response repairs are defined in the attached policy as repairs which are required by tenants to existing elements of their property and tenants need to be aware of the arrangements the Council has in place for providing this service.
- 2.4 The Response Repairs Policy (copy attached Appendix 2) describes the activities and responsibilities involved in delivering a response repairs service to all Council properties by the in-house Housing Repair Operations team. The report also highlights its commitment to providing an effective and responsive housing repairs and maintenance service in order to ensure high levels of tenant satisfaction along with protecting the value of its housing stock.

3. **LINKS TO STRATEGY**

- 3.1 The Response Repair Policy will assist the Council in meeting the aims and priorities detailed in the following strategies:
- 3.2 **National Housing Strategy:** The Welsh Assembly Government's National Housing Strategy 'Better Homes for People in Wales' (2001) has key themes of quality and choice. The WAG vision for housing "*wants everyone in Wales to have the opportunity to live in good quality, affordable housing*".
- 3.3 **The Single Integrated Plan 2013-2017:** has a priority to: "Improve standards of housing and communities giving appropriate access to services across the county borough".

- 3.4 **Local Housing Strategy:** Property Theme: *“Providing the opportunity for everyone to live in affordable, sustainable, good quality housing, regardless of tenure.”*
- 3.5 And links specifically to Strategic Aim 6: Housing Management, *“To provide good quality, well-managed homes in communities where people want to live, and offer people housing choices which meet their needs and aspirations.”*

4. THE REPORT

4.1 The Council as Landlord has an obligation to keep its housing stock in a good state of repair therefore the following principles have been included within the policy document in order to promote the understanding of the Council’s legal responsibilities and mutual obligations in relation to response repairs.

- Responsibilities of the tenant
- Responsibilities of the Council
- Damp and Condensation
- Landlord Lighting
- Rechargeable Repairs
- Repairs to Empty Properties
- Joint Liability Repairs
- The Right To Repair
- Review Process
- Compensation Payments
- Relevant legislation on regulatory compliance
- Repairs and Maintenance Processes.
- Equality Implications.
- Welsh Language
- Tenant Participation.
- Policy Monitoring
- Links to other relevant policies/documents.

4.2 The overall aim of the Response Repair Policy is to contribute to the efficient and effective maintenance of the Council’s housing stock.

4.3 The policy will be accessible on the Housing website and is supported by detailed internal procedures and agreed practices applied uniformly across the housing service.

4.4 Due to the length of time since the previous document had been reviewed, it has been agreed that this policy will be reviewed every three years unless there is an earlier change in legislation.

5. EQUALITIES IMPLICATIONS

5.1 The policy has been updated in terms of Equalities and Welsh language issues following consultation with the Senior Policy Officer (Equalities and Welsh Language).

6. FINANCIAL IMPLICATIONS

6.1 There are no financial implications associated directly with the Response Repairs Policy.

7. PERSONNEL IMPLICATIONS

7.1 There are no direct personnel implications.

8. CONSULTATIONS

- 8.1 Consultation has taken place with relevant officers, Cabinet Member for Housing, the Repairs and Improvement Group, all views and opinions have been included in the report.

9. RECOMMENDATIONS

- 9.1 This report is to seek support for the introduction of a Response Repairs Policy, prior to consideration by Policy and Resources Scrutiny Committee and thereafter, Cabinet.

10. REASONS FOR THE RECOMMENDATIONS

- 10.1 To provide an up-to-date Response Repair Policy which contributes towards the efficient and effective maintenance of the Council's housing stock.

11. STATUTORY POWER

- 11.1 Housing Acts 1985, 1996 and 2004.

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Cllr Hefin David – Chair of Policy & Resources Scrutiny Committee
Cllr Sean Morgan – Vice-Chair of Policy & Resources Scrutiny Committee
Lesley Allen – Principal Accountant
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Mandy Betts - Tenancy and Community Involvement Manager
Repairs and Improvement Group Tenant Representatives
David A. Thomas - Senior Policy Officer (Equalities and Welsh Language)
Gail Williams, Interim Head of Legal Services & Monitoring Officer

Appendices:
Appendix 1 Response Repairs Policy Statement
Appendix 2 Response Repairs Policy – May 2014

Response Repairs Manual - INDEX

<u>SECTION</u>		<u>TOPIC</u>
A	Page 1	1.0 Maintenance Policy Statement
B	2-4	1.0 Repairs reporting - General Guidelines and Customer Care Requirements.
	5-8	2.0 Guidance on Repairs Prioritisation.
C	9	1.0 Academy Housing System - Features.
	10-15	2.0 Requirements for Repair Reporting. (inc. priorities/ workforce/ work types/ trades)
	16-19	4.0 Emergency 'Out of Hours' Procedure.
D	20-21	1.0 Inspection Procedure.
E	22-25	1.0 Response Maintenance Process and Computer Interface for DLO Jobs.
	26	2.0 Procedure in the Event of Computer Failure.
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	34	2.0 Solid Fuel Appliances Repairs Procedure. Gas Appliances/Systems Repairs Procedure.
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G	37	1.0 Empty Property Management Procedures.
H	38-45	1.0 Rechargeable Repairs Policy. 2.0 Procedure. 3.0 Mutual exchanges. 4.0 End of Tenancies.
J	46-47	1.0 Tenants' Maintenance Responsibilities. 2.0 Appeals Process.

L	50-54	1.0	Tenants' Right to Repair
M	55-56	1.0	Joint Liability Repairs
N	57	1.0	Co-ordination with Planned Maintenance.
O	58-62	1.0	Decoration Allowance and Compensation.
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P	66-69	1.0	Damp and Condensation Procedure.
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SECTION A

1.0 POLICY STATEMENT

1.1 General Policy

1.1.1 A repairs policy with clear definitions of responsibility and expectations can result in the best use of resources both financial and human. A detailed repairs policy forms the basis of an effective repairs service.

1.1.2 Tenants have the right to expect their homes to be properly maintained and to have their repair request dealt with in a professional and customer orientated manner. Customer care therefore plays an essential role in the delivery of this service.

1.1.3 The Councils aim is a 3-pronged approach to maintaining and improving the physical condition of its dwellings:

- 1) Housing Stock requiring unforeseen repairs will be tackled through **Response Maintenance**
- 2) Housing stock in good or adequate condition will be tackled through **Planned maintenance**
- 3) Housing stock in poor condition and requiring major work will be tackled by a range of alternative strategies as part of the **Major Works Policy**

1.1.4 By evaluating and implementing a range of alternative approaches to restore its stock to good condition, the Council will be focusing on a strategy which is in the best interests of tenants and residents.

1.2 RESPONSE MAINTENANCE POLICY

1.2.1 The majority of repairs dealt with by the Council are known as response repairs, i.e. those repairs arising as a result of a personal request by a tenant (or someone representing them) or those relating to empty dwellings. Because of the large volume of such repairs, it is important to prioritise them in some way to ensure that those, which are most urgent, are attended to first. The Authority does this by categorising response repairs into a number of different priority groups, each with specific target times.(see page 5)

1.2.2 It is anticipated that, subject to satisfactory resource levels and the introduction of Planned Maintenance in the Caerphilly County Borough area, expenditure on response repairs will decrease in real terms over the next few years.

SECTION B

1.0 REPAIRS REPORTING GENERAL GUIDELINES AND CUSTOMER CARE REQUIREMENTS

- 1.1 The accurate reporting of a request for a repair is an essential task, but one to which many organisations fail to give sufficient priority, either in ensuring that proper procedures are in place or in training their staff. This section will provide an essential reference point for staff involved in repairs reporting.
- 1.2 The name and address of the tenant (which may be different to that of the caller) will be identified. All repair requests will be logged within the computerised repair system or the alternative manual system in the event of computer failure. (see Section E 2.0.)
- 1.3 A little extra care at this stage of the repairs process can help to reduce the level of secondary enquiries from tenants. Staff receiving repair complaints must ensure that tenants are clearly informed of the priority of the repair, the likely response time and the job number. Staff must also ensure that they take sufficient details of the repair complaint and use the job fax system of logging where possible **to ensure that each job is correctly prioritised.**

Where Clerical Assistants are unable to specify using the job fax manual, adequate and accurate information will need to be passed to the Repairs Inspector, via an inspection note.

1.4 REPAIRS REPORTED BY TELEPHONE

- 1.4.1 When a repair is reported by telephone, the person receiving the call should identify themselves by giving their name and section. The identity of the caller should be established. The address of the property where the repair is needed should be confirmed and the name of the Council tenant. Where possible the telephone number of the caller should be obtained in case any further information is required, or to arrange an appointment.

- 1.4.2 The caller should be asked for full details relating to the repair by asking relevant questions to enable the job to be correctly specified- see para.1.9 below.

A check should then be made on the computerised Repairs History Screen to see if the repair has been reported previously. If it has, it should be explained to the caller that the job has been recorded. The caller must be informed of the priority allocated to the job and the estimated time in which the repair will be completed.

- 1.4.3 If the repair has not been previously recorded, it should be logged on the Repairs Computer system, either by
 - a) the Clerical Officer raising a works order directly by using job fax.

CAERPHILLY COUNTY
BOROUGH COUNCIL

HOUSING SERVICES
RESPONSE REPAIRS POLICY

MAY 2014

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1.0 Introduction

- 1.1 Caerphilly County Borough Council (the Council) is committed to providing a responsive and effective housing repairs and maintenance service in order to ensure high levels of tenant satisfaction and to protect the value of its housing stock.
- 1.2 This policy details the arrangements for the repairs and maintenance of properties owned by the Council.
- 1.3 Tenant Representatives were consulted in the development of this policy.

2.0 Policy statement

- 2.1 The council will keep its housing stock in good condition by providing an efficient and effective repairs and maintenance service to tenants.
- 2.2 The council will ensure that its repairs and maintenance service reflects the following overall principles:
 - 2.2.1 To repair and maintain the housing stock to a good standard, in compliance with statutory legislation and where relevant in accordance with the requirements of the Welsh Housing Quality Standard.
 - 2.2.2 To provide a flexible, convenient and customer oriented repairs service that gives priority to the safety, comfort and needs of tenants.
 - 2.2.3 To measure and monitor customer satisfaction and make use of the information to continuously improve services.
 - 2.2.4 To meet the Council's legal and contractual obligations
 - 2.2.5 To ensure the repairs service meets the performance and quality standards set out by the Council in the "Reporting a Repair" leaflet and the "Charter for Trust".
 - 2.2.6 To ensure the services provided are outcome and quality focused, cost effective and obtain the best value for tenants from available financial resources.
 - 2.2.7 To ensure the principles of Health and Safety and Equal Opportunities are central to working procedures and practices.

3.0 Principles of the policy

Maintenance of the tenant's home in partnership with the Council and the tenant. As with any partnership there are responsibilities and these are set out below:

- 3.1 Responsibilities of the Tenant
 - 3.1.1 The tenant is responsible for reporting repairs to the council and must allow access to their home in order for the repair to be carried out.

In addition the tenant must also allow access for planned/improvement works to be carried out by the Council providing 10 working days prior notification, or by agreement.

- 3.1.2 If a tenant is unable to fulfil an appointment for any reason, they have a responsibility to notify the Central Repairs Team (CRT) in order that alternative arrangements can be made. Should the tenant fail to keep an appointment or notify the CRT, charges may be levied in accordance with the No-Access Procedure.
- 3.1.3 Tenants also have a duty to allow access for the council to undertake an annual service of the heating system and smoke alarms.
- 3.1.4 The tenant is responsible for the maintenance, repair and replacement of minor items within the home, as described in the Tenants Maintenance Responsibility Procedure.
- 3.1.5 The tenant is responsible for any repairs required to the property as a result of wilful damage, neglect or negligence by them or person residing in or visiting the property and for the removal and any necessary reinstatement work of any unauthorized alterations or improvements. This is explained more fully in the Rechargeable Repairs Policy.

3.2 Responsibilities of the Council

- 3.2.1 The Council is responsible for the maintenance, repair and replacement of the structure and common parts of its properties, as set out in the tenancy agreement and the Tenants Handbook.
- 3.2.2 The Council fulfils its repairing responsibilities through a combination of an improvement, responsive and planned maintenance approach.
- 3.2.3 Responsive maintenance
 - 3.2.3.1 Responsive maintenance is work carried out, usually at the request of the tenant, to repair damage to an item or part of structure of the building. This may also include replacement of the item if required.
 - 3.2.3.2 An appointment system is available so that tenants can arrange for repairs to be carried out at a time and date to suit themselves
 - 3.2.3.3 An emergency service is provided to tenants for any response repair required outside the Council's normal working hours.
- 3.2.4 Planned/Improvement works WHQS (This type of work is not covered under this policy)

Planned/Improvement work is work organized and carried out on a planned programme in line with the council's 30-year business plan. This includes all major repairs and improvements needed to bring homes up to the Welsh Housing Quality Standard.

Planned maintenance also includes cyclical and preventative works, which are repeated at regular intervals, such as external painting, boiler servicing, electrical testing, smoke alarms servicing, water treatment, lift servicing, fire alarm servicing.

3.2.5 Damp and Condensation

The Council will investigate all reports of dampness however caused offering advice and solutions to tenants concerning the management of condensation and remedial works in the case of rising or penetrating dampness. Independent advice can be obtained where necessary.

3.2.6 Landlord Lighting

Lighting to communal areas will be checked weekly and replacements made. All landlord lighting will be subject to an annual electrical safety test.

3.2.7 Re-chargeable Repairs

Any damage, which is deemed to be the tenant's responsibility, will be identified and dealt with in an appropriate manner. Where the statutory responsibility for the repair lies with the council, or there is a health and safety risk, the damage will be repaired and where necessary the costs charged to the tenant in line with the Rechargeable Repairs procedure.

Details of rechargeable repairs are provided within the Tenants Handbook and can also be accessed via the council's housing website.

Tenants are also charged for any repairs found in a property after their tenancy has ended which also includes the condition of the property in line with the Rechargeable Repairs procedure, Empty Property Management Procedure and Termination of Tenancy Procedure. Photographic evidence, before and after the repair/s has been undertaken, should be provided in such circumstances.

3.2.8 Repairs to Empty Properties

The Council will repair all empty properties to its Letting Standard, in line with the Empty Property Management Procedure.

3.2.9 Joint Liability Repairs

Often repairs are reported by the tenant that affects a component of the property that is shared by the adjoining property, e.g. chimney stack, fencing. If this adjoining property has been sold there is a joint responsibility for the cost of the works. Full consultation needs to be undertaken and agreement reached with the Owner before the work is completed.

3.3 The Right to Repair

3.3.1 Tenants have a right to expect repairs to be completed within set timescales. These timescales are defined in the “Reporting a Repair” leaflet and in the Tenants Handbook.

3.3.2 Under the Right to Repair legislation, tenants may be entitled to claim compensation where a qualifying repair has not been completed within agreed timescales.

3.3.3 The Council will provide tenants with information on the Right to Repair where relevant.

3.4 Permission for a tenant to carry out an improvement will not be unreasonably withheld, but permission may be withheld if the requested improvement:

3.4.1 Will make the property more expensive to maintain.

3.4.2 Will make the property less safe

3.4.3 Will reduce the value of the property

Compensation for improvements may be payable in line with the provisions of the Compensation Schemes for Council Tenants leaflet.

4.0 Review Process

4.1 Tenants have a right to ask for a review of a decision in both the Recharge Procedure and the Tenants Maintenance Responsibilities Procedure. However tenants can also refer a complaint through the Corporate Complaints Procedure for any decision to be reviewed.

5.0 Compensation Payments

5.1 A decoration allowance may be paid for consequential damage following a Landlord repair in certain circumstances.

5.2 Compensation may be payable to tenants who suffer total or partial loss of heating. The criteria for winter payments and summer payments differ as do the level of compensation payable.

5.3 Compensation will be payable to tenants if their energy supply is utilised in the undertaking of any repairs in line with the Charter for Trust.

6.0 Relevant legislation and regulatory compliance

6.1 Caerphilly Council will ensure that properties are repaired and maintained in accordance with best practice and relevant policy and legislation, including the following:

- 6.1.1 Tenancy agreement and Tenant's handbook
- 6.1.2 Housing Acts 1988,1996,1998,2004
- 6.1.3 Landlord and Tenant Act 1985
- 6.1.4 Defective Premises Act 1972
- 6.1.5 Building Regulations
- 6.1.6 Leasehold Reform Act
- 6.1.7 Equality Act 2010
- 6.1.8 Disability Discrimination Act 2005
- 6.1.9 Gas Regulations (Gas Safe)
- 6.1.10 Electrical Regulations (NICEIC)

7.0 Repairs and Maintenance Process

- 7.1 Responsive repairs can be reported by tenants or their representatives in the following ways and will normally be dealt with by the Centralised Repairs Team.

By telephone

By letter

By email

In person at local housing/council offices

In person during estate inspections

By telephone to the 'out of hours' call-out service for emergency repairs only. Misuse of this service may result in a recharge.

- 7.2 The Council is continuously improving the methods of reporting repairs and will seek to develop more modern methods through the use of new technology.

- 7.3 The Council has set the following categories of responsive repairs with target timescales for responding to and completing repairs. In exceptional circumstances, for instance where the tenant is in poor health, the Council may consider a faster response time than the published targets.

7.3.1 Emergency repairs

Emergency repairs are those that need to be carried out to avoid serious danger to health and safety or where a failure to carry out the repair could cause extensive damage to buildings and property.

Priority 01 out of hours emergency repairs should be completed or made safe within 2 hours.

Priority 02 working hours emergency repairs should be completed or made safe the same day as they are reported.

7.3.2 Response Repair Appointments

For the convenience of its tenants, the Council offers an appointment system for carrying out responsive repairs during normal working hours.

Appointments are arranged with the individual tenant, with morning, afternoon, School run or all day appointments offered. They should be completed to the tenant's convenience which should be within 25 days of the repair being reported.

7.3.3 Planned Response Works

Planned response works are larger type repairs, which generally take more than one day to complete that are not urgent, although they may cause inconvenience to tenants.

Planned works should be completed within 50 days of being reported.

7.3.4 Pre-inspections

Certain repairs may need to be inspected in order to assess the nature of the work and its priority. Where possible, all inspections will be carried out within 3 working days.

7.4 Quality Control

7.4.1 The Council believes that the quality of its maintenance service is extremely important, not only to ensure the health, safety, comfort and satisfaction of its tenants, but also to protect the fabric and value of its housing stock.

7.4.2 The Council requires all staff and contractors working in tenants' homes to comply with the 'Charter for Trust' developed by the council.

7.4.3 Tenants who report a response repair may be contacted by telephone after the repair has been completed, to help assess the performance and quality of the repairs service by completing a satisfaction survey.

7.4.4 Every 3 months the Council will send out pre-paid questionnaires to a random selection of tenants who have recently had a repair completed to obtain feedback on the standard of our service delivery

7.4.5 The Council will ensure a minimum of 20% of all repairs works are inspected following completion. Any issues arising from these post-inspections will be referred to the Foreman responsible for investigation who will ensure that any necessary remedial works are carried out, or the response repairs procedure may require reviewing.

7.4.6 The Council's complaints policy is also available to any tenant who is dissatisfied with the responsive repairs service provided. Details are available on the council's website, at local housing offices or at any of the council's main offices.

8. Equalities and Welsh Language Implications

- 8.1 The Council is committed to giving an equal service to all. Any action taken under this policy will comply with current Equalities and Welsh language legislation.
- 8.2 The Council's staff will operate within the requirements of the current corporate Strategic Equality Plan and Welsh Language Scheme, and meet any specific needs which may arise in respect of tenants' requirements regardless of their individual circumstances and backgrounds.
- 8.3 The Repairs and Maintenance procedure will be tailored to meet the needs of individuals, for example the priority of a repair may be increased for vulnerable tenants. All cases will be considered on an individual basis.
- 8.4 All contractors will be asked to provide their Equality and Diversity policy prior to allocating any works.
- 8.5 The Council will make information available in a variety of information formats on request, including:
 - 8.5.1 Large print
 - 8.5.2 Audio tape
 - 8.5.3 Other languages

9. Tenant Participation

- 9.1 The Council will provide performance information to tenants through the various Tenants Groups, Caerphilly Homes Task Group, Housing website and the 'Housing' newsletter so tenants can measure and evaluate the quality and effectiveness of the services delivered.
- 9.2 The Council will listen to tenants' views at every opportunity to enable continuous improvements to services, in line with the Local Tenant Participation Strategy.
- 9.3 The Council will:
 - 9.3.1 Involve our Tenants in decisions regarding response repairs
 - 9.3.2 Involve our Tenants in developing repairs policies
 - 9.3.3 Involve our Tenants in the selection and drawing up of specifications for contractors and key components.

- 9.4 The Council will ensure that wherever possible tenants are able to exercise a choice on repairs, for example through our appointment system or on colour schemes.
- 9.5 The Council will undertake all building repair work in line with the provisions of the Charter for Trust for building maintenance work.

10. Policy Monitoring

- 10.1 To help achieve our aim of being a continuously improving organization and to ensure that we meet all statutory obligations, the Council has systems and processes in place which allow us to monitor and evaluate our performance.
- 10.2 The Council will constantly monitor repair standards and the performance of its contractors. Appropriate action will be taken if the repairs are not performed to the required standard.
- 10.3 The Council will continually review its standards by measurement against performance benchmarks set by the Welsh Government in comparison with other social housing providers.
- 10.4 The Council will benchmark its performance against other similar housing organizations with the aim of achieving continuous improvement and to ensure compliance with best practice and promote through newsletters.
- 10.5 Reports on the Response Repairs Service will be considered by the Caerphilly Homes Task Group, which consists of seven Councillors and seven elected Tenant Representatives.
- 10.6 The Repairs and Improvement Group will meet on a regular basis to review the service and identify any areas for improvement. This group will also act as the council's main consulting body for the Response Repairs Service

11. Links to other relevant policies/documents

- 11.1 This policy links closely with the following policies and documents:
 - 11.1.1 Tenancy agreement
 - 11.1.2 Tenants' Handbook
 - 11.1.3 Local Tenant Participation Strategy
 - 11.1.4 Re-chargeable Repairs Policy
 - 11.1.5 Planned and Cyclical Maintenance Policy
 - 11.1.6 Empty Property Management Policy
 - 11.1.7 Charter for Trust

Response Repairs Policy

- 11.1.8 Complaints Policy
- 11.1.9 Health & Safety Policy
- 11.1.10 Reporting a Repair Leaflet
- 11.1.11 No Access Procedure
- 11.1.12 Compensation Procedure
- 11.1.13 Tenants Maintenance Responsibilities
- 11.1.14 Response Repair Joint Responsibility Procedure
- 11.1.15 Landlords Consent Procedure
- 11.1.16 Annual Service No Access Procedure
- 11.1.17 Termination of Tenancy Procedure

12. Review

- 12.1 This policy will be reviewed every three years unless there is an earlier change in legislation.

13. Approvals

Date approved by the Caerphilly Homes Task Group

Date for review of the policy: _____

Responsible post: _____



POLICY AND RESOURCES SCRUTINY COMMITTEE – 3RD MARCH 2015

SUBJECT: RECHARGEABLE REPAIRS POLICY

REPORT BY: INTERIM CHIEF EXECUTIVE

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to provide information on the implementation of a Housing Services Rechargeable Repairs Policy for Council tenants, former Council tenants, owner-occupiers and Leaseholders.
- 1.2 This report will be submitted to Policy and Resources Scrutiny Committee for recommendations and thereafter submitted to Cabinet for consideration/approval.

2. SUMMARY

- 2.1 The report proposes to introduce a Rechargeable Repairs Policy to complement the Recharge Procedure which has been in place for many years and which provides guidance to staff when recharging for repairs.
- 2.2 The policy (copy attached Appendix 1) gives information on the circumstances when a recharge will be made, the cost and how a tenant can ask for a review if they disagree with the recharge being made.

3. LINKS TO STRATEGY

- 3.1 The Rechargeable Repairs Policy will assist the Council in meeting the aims and priorities detailed in the following strategies:
- 3.2 **National Housing Strategy:** The Welsh Assembly Government's National Housing Strategy 'Better Homes for People in Wales' (2001) has key themes of quality and choice. The WAG vision for housing "*wants everyone in Wales to have the opportunity to live in good quality, affordable housing*".
- 3.3 **The Single Integrated Plan 2013-2017:** has a priority to: "Improve standards of housing and communities giving appropriate access to services across the county borough".
- 3.4 **Local Housing Strategy:** Property Theme: "*Providing the opportunity for everyone to live in affordable, sustainable, good quality housing, regardless of tenure.*" And links specifically to Strategic Aim 6: Housing Management, "*To provide good quality, well-managed homes in communities where people want to live, and offer people housing choices which meet their needs and aspirations.*"

4. THE REPORT

- 4.1 The Council as Landlord has an obligation to keep its housing stock in a good state of repair and we will do this when repairs are reported, with no cost to the tenant, providing the repair is a Landlord responsibility and is required as a result of fair wear and tear. This normally means where the fixture or fitting has worn out or has come to the end of its natural life. Tenants have a responsibility to act responsibly and maintain their homes to a satisfactory standard and condition, but when a repair has been identified as not being caused through fair wear and tear, the council may recharge the cost to the tenant.
- 4.2 The Policy gives information on the following:-
- Objectives of the Policy
 - Policy Statement
 - Principles of the Policy
 - Rechargeable Repairs Definition
 - Rechargeable Repairs Criteria
 - Cost of Repairs
 - Monitoring
 - Review Process
 - Links to other Policies and Documents
- 4.3 The overall aim of the Rechargeable Repairs Policy is to contribute to the efficient and effective maintenance of the Council's housing stock.
- 4.4 The Rechargeable Repairs Policy refers to Section 21 of the Tenancy Agreement which states:-
21. You will pay the Council on demand any costs it incurs:
- 21.1 for repairs to the property or to common parts of flats as a result of wilful damage, neglect or negligence by you or any person residing in or visiting the property; or
- 21.2 for the removal of any unauthorised alterations or improvements to the property and any necessary reinstatement work or where any alterations, improvements or repairs have been carried out by you or on your behalf in an unworkmanlike manner or
- 21.3 as a result of you having failed to carry out within a reasonable time repairs to the property which are your responsibility
- 4.5 It is accepted that the vast majority of Council tenants have not or are unlikely to be recharged for undertaking repairs. However such a policy needs to be in place to deal with the situations where tenants fail to act responsibly and maintain their homes to a satisfactory standard and condition.
- 4.6 The policy will be accessible on the Housing website and is supported by detailed internal procedures and agreed practices to be applied uniformly across the housing service.
- 4.7 The Council operate an appointment system for the majority of response repairs and when a tenant fails to give access at the agreed time a recharge is made. This charge is associated with time taken for the call by the operative, cost of the vehicle etc and is a standard one off charge. In order to ensure fairness the policy has introduced an agreement that if the Council fail to attend an appointment at the agreed time compensation to the tenant based on the standard charge will be considered providing loss of income is evidenced.

- 4.8 Full consultation has been undertaken with the Repairs and Improvement Group and their views have been reflected in the policy. However poverty remains a major concern for this group which has been addressed in section 4.4 of the policy which states “to negotiate sustainable and affordable repayment plans with tenants/former tenants for rechargeable repairs”.
- 4.9 Consideration has been given to offering only current tenants a discount of 25% if payment is made within 28 days from the date of the invoice. The Repairs and Improvement Group proposed that this be increased to 50% where payment is made within 35 days from the date of the invoice.
- 4.10 The purpose of applying a discount was to reduce the costs that are applied to our tenants for rechargeable repairs and to also incentivise tenants to pay the charge within an acceptable timescale. Any discount applied however, would result in an under recovery of the costs involved in undertaking the works and it is not possible to predict if any discount would result in more tenants paying a recharge without the Council having to pursue the amount due via our sundry debtors, i.e. if only the same historical percentage of tenants continued to pay for recharges, this would result in reduced income to the Housing Revenue Account, as those payers would receive a 25% or 50% discount if current proposals were accepted.
- 4.11 A further suggestion from the Repairs and Improvements Group was to introduce a Reviews and Appeals Procedure/Panel (see Appendix 2). A draft Terms of Reference for the panel is attached as Appendix 3.

5. EQUALITIES IMPLICATIONS

- 5.1 The policy has been updated in terms of Equalities and Welsh language issues following consultation with the Senior Policy Officer (Equalities and Welsh Language).

6. FINANCIAL IMPLICATIONS

- 6.1 The purpose of the Recharge Policy is to reduce expenditure on the repairs service by recovering the costs of repairs, which are not incurred as a result of fair wear and tear and to encourage tenants to maintain the property to an acceptable standard. Rental income from responsible tenants should not be utilised for funding repair recharges which may be caused by wilful damage or neglect. Furthermore, this reduces the financial resource to provide an efficient repair service for all our tenants if costs for wilful damage or neglect from the minority of tenants are not recovered.
- 6.2 As consideration has been given to offer discounts for tenants who settle their invoice early, this in effect is a cost to the service, but this should be outweighed against the likely ongoing cost increase in bad debts and arrears if this option is not offered.
- 6.3 Recharges for 2013/14 in relation to repairs to tenanted properties amounted to £89k which relates to 2% of the total expenditure for response repairs. Recharges for void properties equated to £174k which relates to 6% of the total expenditure for void properties.
- 6.4 Rechargeable repairs are invoiced within the financial year of the costs incurred, and under our sundry debtor policy, this is credited to the HRA immediately. However, if the invoice is not paid by the tenant within the required timescale then it is likely to be written off, but this may not occur until the following financial year. Therefore it is not possible to establish how much of the amount invoiced is actually paid within a financial year. Reviewing the bad debt amount over the last three years, shows on average that at least 60% of all recharges are written off.

7. PERSONNEL IMPLICATIONS

- 7.1 There are no direct personnel implications. However, Housing staff will take direct action in the recovery process which will include home visits and providing money advice.

8. CONSULTATIONS

- 8.1 Consultation has taken place with relevant officers, Cabinet Member for Housing, the Repairs and Improvement Group, and relevant officers. All views and opinions have been included in the report.
- 8.2 Some members of the Repairs and Improvements Group raised concern over the impact this policy may have on those tenants who may be in poverty and whilst this is obviously a concern, it is considered that such tenants cannot be dealt with differently if they fail to act responsibly and maintain their homes to a satisfactory standard. This issue has therefore been covered under item 4.4 of the policy.
- 8.3 Additionally, comments were received in relation to those tenants who may suffer Domestic Violence/Abuse and this has been incorporated under Appendix 1 of the policy, where consideration may be given to waiving such charges in exceptional circumstances.

9. RECOMMENDATIONS

- 9.1 This report is to seek members' views on the introduction of a Rechargeable Repairs Policy, prior to the report being submitted to Cabinet for approval.
- 9.2 To seek members support for the establishment of a Reviews and Appeals Panel
- 9.3 To consider the introduction of a discount when current tenants make payment within 35 days from the date of the invoice for both rechargeable repairs and end of tenancy repairs, and make recommendations to Cabinet.
- 9.4 The introduction of a discount will be the subject of a review within 6-12 months to establish its success.

10. REASONS FOR THE RECOMMENDATIONS

- 10.1 To provide a Rechargeable Repairs Policy which contributes towards the efficient and effective maintenance of the Council's housing stock.

11 STATUTORY POWER

- 11.1 Housing Acts 1985, 1996 and 2004.

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Consultees: Shaun Couzens – Chief Housing Officer
Graham North - Public Sector Housing Manager
Paul Smythe – Housing Repairs Operations Manager
Phil Davy – Head of Programmes
Chris Burns – Interim Chief Executive
Cllr Gerald Jones - Deputy Leader and Cabinet Member (Housing)
Cllr Hefin David – Chair – Policy & Resources Scrutiny Committee
Cllr Sean Morgan – Vice-Chair – Policy & Resources Scrutiny Committee

Gail Williams - Interim Head of Legal Services/Monitoring Officer
Lesley Allen – Principal Accountant
Area/Neighbourhood Managers
Mandy Betts - Tenancy and Community Involvement Manager
Repairs and Improvement Group Tenant Representatives
David A. Thomas - Senior Policy Officer (Equalities and Welsh Language)

Appendices:

- Appendix 1 Rechargeable Repairs Policy – September 2014
- Appendix 2 Review and Appeals Procedure/Panel
- Appendix 3 Terms of Reference for Reviews and Appeals Panel

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CAERPHILLY HOMES
HOUSING SERVICES
RECHARGEABLE REPAIRS POLICY

SEPTEMBER 2014

Rechargeable Repairs Policy

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1. Introduction

Caerphilly Homes is committed to providing a responsive and effective housing repairs and maintenance service. This is to ensure high levels of tenant satisfaction and to protect the value of its housing stock.

The council as Landlord has an obligation to keep its housing stock in good repair. We will do this when repairs are reported, with no cost to the tenant, providing the repair is a Landlord responsibility and is required as a result of fair, wear and tear. This normally means where the fixture or fitting has worn out or has come to the end of its natural life.

The majority of tenants keep their homes in good condition but there are some who do cause damage deliberately or through neglect. Where such jobs are required, we call these rechargeable repairs. We do not want the tenants who look after their homes to share the costs of repairs for those who do not.

Caerphilly Homes will ensure that no individual is discriminated against on grounds of their ethnic origin, sex, age, marital status, sexual orientation, disability, gender reassignment, religious beliefs or non-belief, use of Welsh language, BSL or other languages, nationality, responsibility for any dependents or any other reason which cannot be shown to be justified.

Caerphilly Homes will ensure the promotion of equal opportunities by publishing information and documentation in different languages and other formats such as large print, tape and Braille as required. An Equality Impact Assessment was undertaken on this Policy prior to its implementation

Where a repair is found to be the tenant's responsibility, the tenant does have the option to undertake the repair themselves. However, in order to ensure the repair is completed to the required standard this will be monitored. Wherever possible the tenant will be advised prior to the work being undertaken.

The council offers all tenants an insurance policy which will cover certain repairs for which the council is not responsible. Tenants also have the option of paying an additional premium to cover accidental damage.

A Recharge Procedure is in place for staff guidance to ensure consistency is applied across the borough. The Policy and Procedure will be reviewed annually unless legislative changes require that it be reviewed earlier.

Tenants Representatives have been consulted and contributed to the development of this policy.

2. Objectives of the Policy

- To give guidance on the circumstances where repairs will be recharged
- To give guidance on the circumstances where discretion will be exercised – see Appendix 1 for Exceptional Circumstances
- To outline the recharge process for repairs
- To inform tenants how to appeal or dispute the recharge – see Appendix 3
- To show how rechargeable repairs will be monitored in order to maintain equality and to seek continuous improvement.

3. Policy Statement

The Tenancy Agreement states that the tenant is responsible for paying the Council on demand any costs it incurs as a result of:

- wilful damage
- neglect or negligence by the tenant or any person residing in or visiting the property
- the removal of any unauthorised alterations or improvements to the property and any necessary reinstatement work
- failure by the tenant to carry out, within a reasonable time, any repair to the property which is their responsibility.

4. Principles of the Policy

The overall aim of the Recharge Policy is to contribute to the efficient maintenance of the Council's housing stock and to ensure that properties and expenditure are managed effectively. The principles which inform this aim are as follows:-

- 4.1 To efficiently and cost effectively manage tenancies by emphasising both the rights and responsibilities of tenants. Not raising rechargeable bills would deprive the Council of much needed income and increase the costs of the service and rental levels to all of our tenants.
- 4.2 To promote the provision of homes at affordable rents and in return expect our tenants to act responsibly and look after their homes.

- 4.3 To always consider the needs of vulnerable tenants. Exceptional circumstances will be taken into consideration and criteria will be used to assess exceptional circumstances. See Appendix 1.
- 4.4 To negotiate sustainable and affordable repayment plans with tenants/former tenants for rechargeable repairs.
- 4.5 To provide a repairs and maintenance service which is fair to all tenants, open, transparent and with recharges being consistently applied.

5. Rechargeable Repairs Definitions

Repairs that have been completed by the Council which are the tenants/former tenants responsibility are as follows:

- Neglect – preventable damage caused by the tenant failing to take the appropriate action or through carelessness.
- Property Clearance – During a tenancy or when a tenant ends their tenancy they will be recharged for works identified as a tenant's responsibility. This includes clearance of any rubbish and personal belongings that have been left in the attic, garden, garage, out buildings and communal areas.
- Damage – caused by actions of the tenant, former tenant, tenants family, invited guests or a contractor employed by the tenant.
- Accidental Damage – where damage has occurred unexpectedly and without malice
- Criminal Damage – Where the tenant has reported that the damage to the property occurred as a result of either criminal or anti-social behaviour. A 'Declaration of Truth' form is sent to the tenant which should be returned within 14 days. If the Declaration of Truth form is not returned or the incident is not reported to the Police a recharge will normally be applied.
- Domestic Abuse – Damage to the property where the tenant has reported an incident to the Police, which is subject to a Domestic Abuse Conference Call (DACC). If the perpetrator remains living at the property or the tenant remains in the relationship and does not take action against that person the damage will normally be recharged.
- No Access – The tenant is recharged for the cost of a failed appointment when prior arrangements have been made to

carryout a repair and no access is available at the agreed time. However if the Council fail to attend an appointment at the agreed time compensation to the tenant based on the standard charge will be considered, providing loss of income is evidenced.

- Abuse of the Emergency Service – Tenants are recharged for misuse of the Out of Hours Emergency Service when it is clear that the repair could have waited until the following working day. Callers are advised of this on the emergency service recorded message and are then reminded when questioned by the Standby Operators who follow a standard script.
- Tenant Responsibility – Tenants who use the Repairs Service including the Out Of Hours Emergency Service for reporting a repair that is later found to be the tenant's responsibility will be recharged for all costs incurred by the authority.
- Tenants Alterations – If a tenant has undertaken unauthorised alterations to the property, which are not to the Councils required standards and the tenant fails or refuses to undertake the remedial works, then the Council will undertake the works in default, and the tenant recharged the full cost.
- Owner Occupiers – shared maintenance responsibility. This involves any part of the structure or a fixture that is shared with an adjoining council property such as chimneystacks, paths and fences. The private owner will be liable for costs incurred by the Council on their behalf.
- Leaseholders – these are costs for repairs undertaken to the structure of the building and are charged annually. The leaseholder would not be recharged for the full cost of the work; they would pay a share, in accordance with the terms of their lease, which depends on the number of flats in the block.

6. Rechargeable Repairs Criteria (the list is not exhaustive)

6.1 End of Tenancy Works

- Any work carried out after a property is vacated to repair damage caused to the property or to replace missing or broken fixtures and fittings which were not attributable to fair wear and tear. This may also include cleaning and decoration.
- Broken floor tiles revealed following the removal of unauthorised floor coverings fitted by the tenant.
- Forced entry and associated damage where no keys were returned for the house, garage, shed.

- Clearance of property, garden and outbuildings
- Disinfestation costs
- Removal or making good tenants alterations and improvements, which were not maintained to an acceptable standard.

6.2 Response Repairs

- Replacement of all door locks including those for garages and sheds, which are not due to fair, wear and tear i.e. tenant has lost keys.
- Council forced entry and associated damage due to loss of keys, Police forced entry and emergency service forced entry.
- Damaged internal and external glazing including boarding up
- Broken or damaged sanitary fittings
- Electrical works where the loss of power supply has been caused by the tenant's own appliance such as the cooker.
- Electrical safety checks following a tenants own alterations including light fittings.
- Cost of Contractors visit for inspection/repair of gas or electrical fittings due to lack of power supply caused by the tenant not crediting their card/key such as no heating.
- Blocked sinks, wash hand basins, baths, showers, toilets and gullies unless caused by a structural defect such as a cracked drain or a blockage in the main sewer line.
- Removal and making safe a tenants unauthorised or substandard alteration
- Make safe or any work carried out to fixtures, fittings or appliances installed by or belonging to the tenant, or to alterations the tenant may have carried out during the tenancy.
- Damage caused to another property through tenant misuse or neglect such as bath overflowing into ground floor flat.
- Refixing radiators following redecoration
- Owner/Occupier joint responsibility for example chimney stacks, fencing

- Leaseholders where repairs have been identified as their responsibility for example a water leak into flat below.

7. Cost of Repairs

- 7.1 The cost of the repair will be recharged as shown in Appendix 2.
- 7.2 No charge will be made for any additional administration or 'handling' fees.
- 7.3 A minimum job cost will apply on all repairs carried out and this will be forwarded onto the tenant/former tenant. There is no set maximum price limit.
- 7.4 Where the tenant uses the Council's out of hours emergency service due to accidental or criminal damage (not fair wear and tear), the callout charge will be recharged to the tenant, in addition to the cost of any repair undertaken.
- 7.5 Where a tenant uses the Council's emergency service for non-emergency repairs such as calls which could wait until the next working day, the tenant will be recharged for the cost of the call-out but not for the cost of the repair.
- 7.6 Where a prior appointment has been made with the tenant to carry out a repair and access is not available the tenant will be recharged for the cost of the no access call at the standard rate. (no minimum charge applies).
- 7.7 A 50% discount will be applied following implementation of this policy to all recharges where payment is made within 35 days from the date of the invoice. See Reviews and Appeals process.

8. Monitoring

- 8.1 The Policy will be reviewed in consultation with Tenants Representatives, staff and other stakeholders.
- 8.2 The Policy will be reviewed annually unless there are any reasons, such as legislative changes, requiring that it be reviewed earlier.
- 8.3 In order to comply with its service commitments, it is important that we monitor the effects of the rechargeable repairs procedure. Areas to be monitored are as follows:
- Amount recharged and income collected

- Number of rechargeable repairs raised at each housing office divided between void and response recharges
- Consistency in relation to the reason for recharging and the type of repairs recharged
- Target times for recharges being raised

9. Review Process

See Appendix 3 for the Reviews and Appeal Procedure

9.1 The Council Housing Repairs System allows tenants to appeal against their recharge if they have good reason to disagree with a decision. This could be because: -

- The reason for the recharge is incorrect
- You think the cost is incorrect
- You think you have special circumstances which have not been properly assessed or taken into consideration

9.2 Current and former tenants have the right to a review by initially writing to their local housing office.

9.3 Throughout this process tenants may wish to take advice from an independent source such as the Citizens Advice Bureau, Law Centre or Solicitor.

10. Links to other relevant Policies/Documents

- Tenancy Agreement
- Tenants Handbook
- Rechargeable Repairs Policy
- Empty Property Management Procedure
- Complaints Policy
- No Access Procedure
- Rechargeable Repairs Leaflet

- Tenants Maintenance Responsibilities
- Response Repairs Joint Responsibility Procedure
- Landlords Consents Procedure
- Termination of Tenancy Procedure
- Leaseholders Handbook

EXCEPTIONAL CIRCUMSTANCES

Each case must be assessed and discretion not to recharge may be exercised by Council staff, depending on the circumstances affecting the individual case. In considering when discretion should be exercised and a recharge waived in full or in part, account will be taken of:-

- Tenants Age
- Tenants Health
- Disability issues (physical, mental or learning)
- Domestic Abuse
- Harassment or victimisation (including issues of hate crime against any of the protected characteristics listed on page 3 of the policy)
- Reasons for the repair
- Tenants ability to carry out repair
- History of previous rechargeable repairs and
- Legal (criminal) action being taken. Confirmation must be provided by either the Police, a Legal Representative or directly from the Court. A crime incident number or log/reference number alone is not normally sufficient.

RECHARGEABLE REPAIR RATES

The following rechargeable rates will apply when staff raise the following works orders:-

Rates will be revised annually from the 1st April.

No Access = £26.23

A no access charge is payable for failed appointments, this charge is based on covering a percentage of the operatives time, transport and administration for processing the work.

Out of Hour calls (Stand-by) = £86.88

A call out charge is payable for reports of accidental or criminal damage (not fair wear and tear). This charge is based on covering the costs for employing the operative for this service, plus transport and administration for processing the work. Material costs are not included in the call out charge and will be calculated separately.

Small Repairs = £40.71

Examples of a small repair include the replacing of door locks or the repairing of a leaking tap or leaking toilet.

The cost will include travel to the property, all materials and labour costs and up to 1 hour of the operative's time to complete the job.

Medium Repairs = £81.41

Examples of a medium repair include the replacing of toilet pans or one internal door

The cost will include travel to the property, all materials and labour costs and up to 2 hours of the operative's time to complete the job.

Large Repairs = £162.80

Examples of a large repair include the replacing of a wash hand basin or kitchen unit.

The cost will include travel to the property, all materials and labour costs and up to 4 hours of the operative's time to complete the job.

The following repairs will attract additional material costs due to them being high value items:

Small Repair - electric showers and gas or electric meter doors

Medium Repair - kitchen and bathroom extractor fans

Larger type repair works over 4 hours will be calculated either using the authorities agreed Schedule of Rates which are used for the specification and pricing of repair works including materials and labour, or by means of a quotation if the work is required to be completed by an external contractor

With the exception of No Access calls, all repair costs will be subject to VAT.

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DIRECTORATE OF CORPORATE SERVICES**PUBLIC SECTOR HOUSING****RECHARGEABLE WORKS****REVIEWS AND APPEALS PROCEDURE**

This leaflet provides information on the procedure for tenants to follow if they wish to have their recharge reviewed.

Non-Statutory Review

The Council Housing Repairs Policy allows tenants to appeal against their recharge if they have good reason to disagree with a decision. This could be because: -

- The reason for the recharge is incorrect
- You think the cost is incorrect
- You think you have special circumstances, which have not been properly assessed or taken into consideration

THE PROCEDURE

We will do our best to help you without you having to use this procedure but if it does become necessary then this is what will happen: -

1. There are three stages to this procedure as follows:

- Informal Review

You will be written to as soon as it has been identified that a recharge will be made giving an estimated cost. If the recharge is disputed for any of the reasons listed above, this must be made in writing within 21 days of the Council's notification, to your local housing office giving reasons. If this review is unsuccessful and the work is completed, you will be written to again with an actual cost.

If you have already requested a review against the reason for the recharge we can only consider a further request at this informal stage if you disagree with any additional cost or where there may be special circumstances to be considered.

If you disagree with the recharge you must write to the housing office within 21 days giving your reasons.

The Officer responsible for the original decision will carry out the review and will write to you to inform you of their decision.

- First Stage Formal Review

If you are not satisfied with the decision of the informal review then a first stage formal review can be undertaken. You must write to the housing office within 21 days of the date of the informal review decision letter, providing clear reasons as to why you consider that the decision is unfair or unreasonable.

A Housing Manager will carry out this review who will inform you of their decision.

It is essential that you provide clear reasons or additional information that you believe were not taken into account on the informal review to allow this review to be undertaken. No formal review can be undertaken if you fail to do this. You will be advised if this is the case.

- Second Stage Formal Review

If you remain dissatisfied following receipt of the first stage formal review decision then a second stage formal review can be undertaken. You should again write to the housing office within 21 days of the date of the first stage formal review letter providing clear reasons as to why you consider that the decision was unfair or unreasonable.

At this stage your appeal will be considered by the Reviews and Appeals Panel whose decision is final and no further appeal can be made. The Chair of the panel will write to you to inform you of their decision.

However this does not deny you the opportunity to seek your own legal advice or request an enquiry by the Public Services Ombudsman

2. The review procedure does not cover complaints about staff. Such cases will be forwarded to the officer's line manager for their investigation and response.

Contact Details

Upper Rhymney Valley Area Housing Office,
Gilfach House, William Street, Gilfach, Bargoed, CF81 8ND
Tel: 01443 873535
Email: urvaho@caerphilly.gov.uk

Eastern Valleys Area Housing Office,
Pontllanfraith House, Pontllanfraith, Blackwood, NP12 2YW
Tel: 01495 235229
Email: eastvalleyaho@caerphilly.gov.uk

Lansbury Park Neighbourhood Housing Office,
45 Atlee Court, Lansbury Park, Caerphilly, CF83 1QU
Tel: 02920 860917
Email: lansburyparknho@caerphilly.gov.uk

Graig Y Rhacca Neighbourhood Housing Office,
Grays Gardens, Graig Y Rhacca, Machen, CF83 8TW
Tel: 02920 853050
Email: Graigyrhaccanho@caerphilly.gov.uk

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CAERPHILLY COUNTY BOROUGH COUNCIL
RECHARGEABLE REPAIRS REVIEWS AND APPEALS PANEL
TERMS OF REFERENCE

1. MEMBERSHIP

The panel shall consist of the following individuals:-

- The Public Sector Housing Manager or Deputy (who will be chair)
- Area Housing Managers
- The Tenant and Community Involvement Manager
- Senior Housing Officer (Complaints)
- One tenant representative (optional)

2. MEETINGS

- 2.1 The Panel will meet monthly and at such other times as the Chair determines.
- 2.2 Reports will be presented by the appropriate Area Housing Manager or Deputy for rechargeable repairs appeal cases.
- 2.3 Minutes will be produced to record the discussions and recommendations taken by the Panel.

3. TERMS OF REFERENCE

- 3.1 The panel will monitor the number of cases in order to identify any particular trends and review previous decisions. This will enable outcomes of the policy to be measured for consistency.
- 3.2 Up to 3 informal appeals received will be randomly selected for audit and reported back to the following panel meeting.
- 3.3 All first stage appeal cases will be assessed to:-
- ensure consistency and fairness
 - ensure the recharge has fully complied with the recharge policy
 - to recommend changes to the policy/procedure

First stage appeals will be made anonymous, name and address will not be included however the following information will be provided:-

- copy of job note
- cost of job on Total
- copy of Out of Hours Report
- copies of all letters sent
- copies of all letters received

The Panel would determine if any further action is required.

- 3.4 All second stage appeals will replace this stage of the Corporate Complaints Procedure with regards to recharges.
- 3.5 The decision of the Panel, whether the recharge is upheld, reduced or cancelled, will be final and no further appeals can be considered. However tenants can take their own legal advice or can request an enquiry by the Public Services Ombudsman.
- 3.6 The decisions and outcomes of the Panel will be reviewed annually and reported, if necessary, to the Caerphilly Homes Task Group.



POLICY AND RESOURCES SCRUTINY COMMITTEE – 3RD MARCH 2015

SUBJECT: TREASURY MANAGEMENT AND CAPITAL FINANCING PRUDENTIAL INDICATORS MONITORING REPORT (1ST APRIL 2014 TO 31ST DECEMBER 2014)

REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES AND SECTION 151 OFFICER

1. PURPOSE OF REPORT

- 1.1 To present Members with details of Treasury Management activities and Capital Financing, together with the related Prudential Indicators for the period 1st April 2014 to 31st December 2014.
- 1.2 To review the Treasury Management Strategy for 2014/2015 as set out in the Annual Investment Strategy and Capital Financing Prudential Indicators Report.

2. SUMMARY

- 2.1 The Code of Practice on Treasury Management in the Public Services 2009, which was adopted by the Council on 12th October 2010, sets out a framework of operating procedures, which is encompassed in the Treasury Management Practices (TMPs). TMP6 (Reporting Requirements and Management Information Arrangements) provides for the submission of monitoring reports to the appropriate Committee on a quarterly basis.
- 2.2 Under the provisions of the Local Government Act 2003, The Local Authorities (Capital Finance and Accounting) (Wales) Regulations 2003 [The Capital Regulations], and the CIPFA's "The Prudential Code for Capital Finance in Local Authorities" [the Code], the Authority is obliged to approve and publish a number of indicators relevant to Capital Finance and Treasury Management.
- 2.3 The Authority's Annual Investment Strategy and Capital Financing Prudential Indicators for 2014/2015 were approved by Council on 26th February 2014.

3. LINKS TO STRATEGY

- 3.1 Treasury Management Strategy 2014/2015 as agreed by Council on 26th February 2014.

4. THE REPORT

4.1 Treasury Management

4.1.1 Loans administered by Caerphilly CBC

Due to the current level of interest rates, the difference between long-term borrowing rates and short-term investment rates has given rise to a cost of carry risk. The current policy of internal borrowing is not sustainable in the long-term, but where prudent the policy of internal borrowing will be utilised. A review of the balance sheet for 2013/2014 shows that the level of internal borrowing was not as high as anticipated. At 31st March 2014 the internal borrowing position was £39m.

The Annual Treasury Management Strategy approved by Council in February 2014 indicated that there would be a need to borrow £19.8m in 2014/2015 to part fund the Capital Programme. £7.8m of this total would be met through supported borrowing approvals (inclusive of £2.8m for the Highways LGBI capital works); £4m for Bargoed Cinema and £8m for WHQS (General Fund contribution). The General Fund will not be able to contribute £8m of new borrowings towards the WHQS programme due to advice subsequently received from Welsh Government.

As at the 31st December 2014 the Authority had taken £36.52m of new 25-year PWLB debt to fund capital expenditure. The Authority had achieved a loan rate of 2.82% on an annuity loan structure. PWLB rates had been in free fall since mid November as a result of volatility in the bond markets caused by uncertainty in the Eurozone (the start of the quantitative easing; fear of Greece defaulting; falling oil prices and poor economic data). Investors had sought comfort in Gilts, causing Gilt yields to fall and subsequently PWLB yields had fallen. The debt taken was planned debt that had been deferred since 2011/12 financial year, but budgeted within the medium term financial plan. The £36.52m loan includes LGBI Highways; Caerphilly Library; Supported borrowing approvals and an element of the LGBI 21st Century Schools. It does not include the borrowing for the Cinema as this will be subject to a future report to Council.

Borrowing rates during the period covered by the report have fallen compared to the forecasted rates as reported in the 2014/15 Treasury Management Strategy. Economic recovery continues to remain fragile and falling inflation is considered to be a threat towards UK economic recovery as well as the economic recovery within the Eurozone.

During the period covered by this report, PWLB loans to the value of £645k were repaid on maturity. Such loans had an average interest rate of 7.06%. £30k of the WRU Loan was also repaid.

Total debt outstanding as at 31st December 2014 was £218.07m and comprised of £177.80m PWLB loans; £40m market loans; and £270k WRU loan.

During the reported period no LOBO loans were called by the respective lender despite an interest rate review for the respective loan. As a result, and for the remaining 2014/15 financial year the Authority's debt portfolio variable interest rate proportion at 31st December 2014 stood at 0%, which is within the Council's determination of 50%. Two £10m LOBO loans will be reviewed next in May 2015.

4.1.2 Rescheduling

The Annual Strategy allows for the utilisation of debt rescheduling to provide for both in year and future year savings and additional revenue resources. No rescheduling opportunities presented themselves during the period covered by this report.

4.1.4 Long-Term Investments

The Council no longer holds any long-term investments.

4.1.5 Short-Term Investments (Deposits) – Up to 364 Days

The value of short-term deposits at 31st December 2014 was £131.58m and is made up of a spread of periods up to a maximum of three months. The average rate earned on deposits during the reported period was 0.27%, which compares favourably with the Debt Management Account Deposit Facility (DMADF) deposit rate of 0.25%, and is above the target rate, as detailed in the Annual Treasury Management Strategy report to Council, of 0.25%. The low returns reflect the Council's current risk sentiment as well as current interest rates. The portfolio as at 31st December 2014 comprised of £122.40m deposited with Local Authorities and £9.18m deposited in the DMADF.

4.1.6 Economic Outlook

There is momentum in the UK economy, with a continued period of growth through domestically-driven activity and strong household consumption. There are signs that growth is becoming more balanced. The greater contribution from business investment should support continued, albeit slower, expansion of GDP. However, inflationary pressure is benign and is likely to remain low in the short-term. There have been large falls in unemployment but levels of part-time working, self-employment and underemployment are significant and nominal earnings growth remains weak and below inflation.

Whilst the Bank of England has maintained the Bank Rate at 0.50% and asset purchases at £375bn, the MPC's focus is on both the degree of spare capacity in the economy and the rate at which this will be used up, factors prompting some debate on the Committee. Despite two MPC members having voted for a 0.25% increase in rates at each of the meetings August 2014 onwards, some Committee members have become more concerned that the economic outlook is less optimistic than at the time of the August Inflation Report.

The Authority's treasury management advisor, Arlingclose, forecasts the first rise in official interest rates in August 2015 and a gradual pace of increases thereafter, with the average for 2015/16 being around 0.75%. Arlingclose believes the normalised level of the Bank Rate post-crisis to range between 2.5% and 3.5%. The risk to the upside (i.e. interest rates being higher) is weighted more towards the end of the forecast horizon. On the downside, Eurozone weakness and the threat of deflation have increased the risks to the durability of UK growth. If the negative indicators from the Eurozone become more entrenched, the Bank of England will likely defer rate rises to later in the year.

Gilt yields have continued to decline and PWLB loan rates hit a financial year low at the end of December 2014. What has driven yields lower is a combination of factors but the primary drivers have been the weak economic data from the Eurozone; the possibility of Greece exiting the Eurozone and re-negotiating the bailout terms; and falling oil prices as a result of excess supply in the market caused by the US's switch to domestic production and falling demand from China. The geo-political risk within the Middle East and Ukraine alongside the slide towards deflation within the Eurozone continues to remain.

4.1.7 Bank Tender

The Authority has extended the current short-term bank contract with Barclays up until 28th February 2015. It is expected that a long-term contract with a suitable bank will be in place by then following the conclusion of the current bank tender exercise that was still ongoing at the time of this report.

4.1.8 Treasury Management Advisors Contract

The Authority is currently advised by Arlingclose Limited. The contract commenced in April 2014.

4.2 **Prudential Indicators**

4.2.1 Capital Financing Requirement

The Capital Financing Requirement (CFR) measures the Authority's underlying need to borrow for a capital purpose. In accordance with best professional practice, the Authority does not associate borrowing with particular items or types of expenditure. In practice, the raising and repaying of loans is determined primarily by professional / expert advice, and may not necessarily take place in the relevant year. In order to create an operating environment within which the Treasury Manager can legitimately react to appropriate advice, the various authorised limits as identified in Appendix 1 are set at a level in excess of the CFR. In the financial year to date, the Authority has been operating within the approved limits.

Appendix 2 shows a projected CFR value of £293.29m as at 31st March 2015. The actual CFR as at 31st March 2014 was £272.24m.

4.2.2 Prudential Indicators – “Prudence”

The Prudential Indicators for Treasury Management are shown in Appendix 1 and the Authority is currently operating within the approved limits.

4.2.3 Prudential Indicators – “Affordability”

There is a requirement to analyse and report the capital financing costs, and express those costs as a percentage of the net revenue streams of the Authority. These are identified in Appendix 2 and currently show a projected reduction from the original budget.

4.2.4 Capital Expenditure and Funding

A summary of capital expenditure and funding is attached at Appendix 3 and shows no change against the planned position. Projections assume that budgets will either be fully expended in accordance with budget holder's expectations, or that unspent budgets will be carried forward as slippage into the 2015/16 financial year.

5. **EQUALITIES IMPLICATIONS**

- 5.1 This report is for information purposes, so the Council's Equalities Impact Assessment (EqIA) process does not need to be applied.

6. **FINANCIAL IMPLICATIONS**

- 6.1 As detailed throughout the report.

7. **PERSONNEL IMPLICATIONS**

- 7.1 There are no direct personnel implications arising from this report.

8. CONSULTATIONS

8.1 There are no consultation responses that have not been reflected in this report.

9. RECOMMENDATIONS

9.1 Members are asked to note the contents of this report.

10. REASONS FOR THE RECOMMENDATIONS

10.1 Compliance with the CIPFA “Code of Practice for Treasury Management in the Public Services”.

11. STATUTORY POWER

11.1 Local Government Acts 1972 and 2003.

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Consultees: N. Scammell – Acting Director of Corporate Services & S151 Officer
S. Harris - Acting Head of Corporate Finance
A. Southcombe – Finance Manager, Corporate Services
Cllr B. Jones- Deputy Leader and Cabinet Member for Corporate Services

Appendices:

Appendix 1 – Treasury Management Prudential Indicators – Prudence

Appendix 2 – Capital Finance Prudential Indicators – Affordability

Appendix 3 – Capital Expenditure and Funding

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Appendix 1 Prudential Indicators - Treasury Management Period 9 Monitoring Report

	Budget 2014/15	Anticipated 2014/15
	£000	£000
Authorised limit for external debt -		
Borrowing	267,369	267,369
Other long term liabilities	40,303	40,303
Total	307,672	307,672
Operational boundary for external debt -		
Borrowing	213,895	217,949
Other long term liabilities	40,303	40,303
Total	254,198	258,252
Upper limits for interest rate exposure		
Principal outstanding on borrowing	213,895	217,949
Principal outstanding on investments	65,000	65,000
Net principal outstanding	148,895	152,949
Fixed rate limit – 100%	148,895	152,949
Variable rate limit – 50%	44,668	76,474
Upper limit for total invested for over 364 days	10,000	10,000

Maturity structure of fixed rate borrowing: Debt outstanding at 31 March 2015 (includes new debt projected to be taken)	Upper Limit	Lower Limit	Anticipated 2014/15 £000	Anticipated 2014/15
Under 12 months	35%	0%	-	0%
Over 12 months and within 24 months	40%	0%	5,464	3%
Over 2 years and within 5 years	50%	0%	6,694	3%
Over 5 years and within 10 years	75%	0%	9,040	4%
Over 10 years	95%	0%	196,751	90%
			217,949	100%

Ratio of Financing costs to net revenue stream	Budget 2014/15	Anticipated 2014/15
	£000	£000
General Fund		
Principal repayments (MRP)	8,296	7,573
Less commutation	-	-
Net interest costs	9,476	8,350
Debt Management costs	60	66
Rescheduling discount	-226	-226
Investment income	-163	-215
Interest applied to internal balances	780	672
Total General Fund	18,224	16,220
Net revenue stream	329,919	329,919
Total as percentage of net revenue stream	5.52%	4.92%
Housing Revenue Account		
Principal repayments	914	887
Interest costs	2,082	1,805
Rescheduling discount	-58	-58
Debt Management costs	15	12
Total HRA	2,953	2,646
Net revenue stream	41,596	41,596
Total as percentage of net revenue stream	7.10%	6.36%

Estimate of <u>incremental impact</u> of capital investment on Council Tax and Housing Rents	Budget 2014/15	Anticipated 2014/15
	£000	£000
General Fund		
costs of unresponsive borrowings - principal	791	791
- interest	1,034	1,034
Loss of investment income	4	4
Running costs		
Total	1,829	1,829
Impact on Band D council tax **	30.72	30.72
Housing Revenue Account		
Loss of investment income	51	51
Running costs	0	0
Total	51	51
Impact on average weekly rent **	0.09	0.09
** These are notional calculations as per regulations		

Capital Financing Requirement	Budget 2014/15	Anticipated 2014/15
	£000	£000
Council Fund	250,812	250,812
Housing Revenue Account	42,475	42,475
Total Authority	293,287	293,287

	Budget 2014/15	Anticipated 2014/15
Expenditure	£000	£000
Council Fund	13,462	13,462
Housing Revenue Account	27,500	27,500
Total	40,962	40,962
Funding		
Surplus/ (Deficit) Balance b/f	1,099	1,099
RCCO - General Fund	112	112
- HRA	19,953	19,953
Earmarked Reserves- General Fund	300	300
Borrowings - Supported (GF)	4,979	4,979
LGBI Highways	2,800	2,800
Borrowings - Unsupported (GF)	2,000	2,000
General Capital Grant - WG	3,030	3,030
Additional Revenue Contribution to Capital	22	22
Capital Receipts 2013/14	590	590
Delay in Borrowing Due To Cash Reserves	154	154
Capital receipt (HRA)	247	247
Major Repairs Allowance	7,300	7,300
Total	42,586	42,586
Surplus C/f	1,624	1,624

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POLICY AND RESOURCES SCRUTINY COMMITTEE – 3RD MARCH 2015

SUBJECT: WRITE-OFF OF DEBTS

REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES AND S151 OFFICER

1. PURPOSE OF REPORT

- 1.1 To provide Members with a summary of outstanding debts which have been written-off in accordance with the policy previously agreed by Cabinet.

2. SUMMARY

- 2.1 The report provides details of debts written-off for Council Tax, Business Rates, Council House Rents and Sundry Debtors.

3. LINKS TO STRATEGY

- 3.1 The Council's budget is partly funded by Council Tax, Rents and other sources of miscellaneous income. In order to ensure that these resources are available to meet all the Council's objectives the Authority will always seek to maximise income collection.

4. THE REPORT

- 4.1 The Council collects very large sums of money from residents and local businesses each year and inevitably there are instances of non-payment. A 'firm but fair' approach has always been adopted and all legal means are pursued to recover monies owed.
- 4.2 The regular writing-off of uncollectable debts is an important financial discipline. The Council would be criticised by External Audit if debts remained in the accounts when there is little likelihood of recovery. The table below provides a summary of debts written-off in the 2014/15 financial year. The figures for Council Tax, Business Rates and Council House Rents cover the period 1st April 2014 to 30th September 2014. The figures for Sundry Debtors cover the 1st April 2014 to 31st January 2015.

	Total Amounts Written Off In Period (£)	Total Budgeted Income/Grant 2014/15 (£m)	% of Total Income/Grant Written-off In Period (%)	% of Total Income/Grant Written-off 2013/14 (%)
Council Tax	98,197	60.5m	0.16	0.39
Business Rates	232,051	39.4m	0.59	1.42
Council House Rents	74,106	49.6m	0.15	0.51
Sundry Debtors	214,744	20.5m	1.05	1.26

4.3 Whilst the sums shown above are significant it is important to put them into context. The column entitled "% of Total Income/Grant Written-off In Period" shows the write-offs expressed as a percentage of the "Total Budgeted Income/Grant 2014/15", i.e. monies due to the Council. For comparison purposes the percentages for 2013/14 are also included in the table.

4.4 In addition to the totals in the table in paragraph 4.2, £73,366 has also been written-off to date during 2014/15 in relation to invoices raised for overpayments of Housing Benefits (total invoices raised during the year £ 1,205,483).

5. EQUALITIES IMPLICATIONS

5.1 This report is for information purposes, so the Council's Equalities Impact Assessment (EqIA) process does not need to be applied.

6. FINANCIAL IMPLICATIONS

6.1 As detailed in the report.

7. PERSONNEL IMPLICATIONS

7.1 There are no direct personnel implications arising from this report.

8. CONSULTATIONS

8.1 There are no consultation responses that have not been reflected in this report.

9. RECOMMENDATIONS

9.1 Members are asked to note the contents of this report.

10. REASONS FOR THE RECOMMENDATIONS

10.1 To ensure that Members are informed of sums written-off during the 2014/15 financial year.

11. STATUTORY POWER

11.1 Local Government Act 1972 and 2000.

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Consultees: Nicole Scammell, Acting Director of Corporate Services & S151 Officer
Cllr B Jones, Deputy Leader/Cabinet Member for Corporate Services
John Carpenter, Council Tax & NNDR Manager
Sandra Isaacs, Rents Manager
Amanda Main, Housing & Council Tax Benefits Manager
Terry Thomas, Principal Incomes Officer



POLICY AND RESOURCES SCRUTINY COMMITTEE – 3RD MARCH 2015

SUBJECT: DISCRETIONARY RATE RELIEF APPLICATIONS

**REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES AND SECTION 151
OFFICER**

1. PURPOSE OF REPORT

- 1.1 This report sets out details of applications for discretionary rate relief and notes the decision proposed by the Interim Head of Corporate Finance under delegated powers.

2. SUMMARY

- 2.1 The Council is able to assist a wide range of voluntary and sporting organisations by granting rate relief. This report contains details of applications received for discretionary rate relief and the proposals for the determination of the applications to be formally implemented on the 10th day of March 2015.

3. LINKS TO STRATEGY

- 3.1 The granting of rate relief is a very cost effective way in which the Council can pursue its Regeneration objective by giving financial assistance to local organisations.

4. THE REPORT

4.1 Background

- 4.1.1 Under the Council's Scheme of Delegation applications for discretionary rate relief submitted to the Council are determined by the Council's Head of Corporate Finance.
- 4.1.2 The determination is exercised following consideration of the Council's Policy on discretionary rate relief supplemented by guidance from Welsh Government and Central Government.

4.1 THE APPLICATIONS

Disability Can Do Organisation

- 4.2.1 An application for top-up discretionary rate relief has been received from the above registered charity in respect of their premises at 1 Bryn Lane, Pontllanfraith, NP12 2PG from 14th May 2014 onwards.
- 4.2.2 The organisation is a registered charity and has therefore already been awarded 80% mandatory rate relief in accordance with rating legislation.

- 4.2.3 Members should be aware that currently the Authority would bear 75% of any top-up discretionary rate relief awarded, with the Welsh Government Pool bearing the remaining 25%.
- 4.2.4 To be eligible for discretionary rate relief, the organisation must satisfy the following conditions:
- a) the organisation or institution occupying the premises must not be established or conducted for profit; and
 - b) each of the organisation's main objects must be charitable, or otherwise philanthropic or religious, or concerned with education, social welfare, science, literature, or fine arts.
- 4.2.5 Disability Can Do Organisation was formed in March 2008 and the charity's main objects are:
- The relief of persons who are in need by reason of their disability, in particular but not exclusively, by improving the availability of information, support services, advice and community advocacy services for such persons and their carers;
 - The advancement of education of the general public in all areas relating to disabled persons and their carers.
- 4.2.6 The organisation's constitution states that the income and property of the charity shall be applied solely towards the promotion of the charity's objects.
- 4.2.7 The constitution also states that, on the dissolution of the charity, any assets remaining would be used firstly to meet any liabilities and then directly for the organisation's objects and by transfer to any other charity for the same or similar purposes. This satisfies the discretionary rate relief requirement for remaining assets to be used for charitable or non-profit making purposes.
- 4.2.8 Disability Can Do is a user-led charitable organisation that promotes inclusion, independence, and choice; it supports disabled adults and their carers through the provision of services and information. By helping the general public understand disability and combat discrimination, it aims to remove the barriers that stop people with disabilities from pursuing their goals and living their lives to the full.
- 4.2.9 Membership is open to individuals over eighteen or organisations approved by the charity's trustees, in particular the disabled and carers. There is no fee payable for membership.
- 4.2.10 The charity's activities include providing a telephone and web-based information service, community support programme for ex-Remploy employees, facilitation of the Caerphilly County Borough Disability Forum and providing welfare and housing support.
- 4.2.11 The charity has been set up specifically to carry out the objects given in point 4.2.5 above and is not established or conducted for profit. In addition, the organisation's main objects are either wholly or mainly charitable, or concerned with philanthropy, social welfare and education, as required under the regulations.
- 4.2.12 The current annual business rate liability of the organisation's premises in Pontllanfraith is £4,588 and, if the Authority were to grant 20% top-up discretionary rate relief, the cost to the Authority of awarding the relief at current levels would be £688 with the Welsh Government pool bearing the remainder of £229.
- 4.2.13 The Authority's policy for an organisation registered as a charity with the Charity Commission and occupying one or more rating assessments within the Authority's area with a cumulative rateable value not exceeding £100,000 is to award 20% top-up discretionary relief.

4.2.14 Taking the above matters into consideration, it appears that the 'Disability Can Do Organisation' and its use of the premises satisfy all of the relevant qualifying criteria.

4.2.15 **Proposal (to be implemented on 10th day of March 2015):-**

20% top-up discretionary rate relief be awarded.

Slim Gym Caerphilly C.I.C. Ltd

4.2.16 An application for discretionary rate relief has been received from the above registered Community Interest Company (CIC) in respect of their premises at Unit 5 Varlin Court, Western Industrial Estate, Caerphilly, CF83 1BQ from 6th June 2014 onwards.

4.2.17 Members should be aware that currently the Authority would bear 10% of any discretionary rate relief awarded, with the Welsh Government Pool bearing the remaining 90%.

4.2.18 A CIC is a new type of company for people wishing to establish a business that benefits the community (the population as a whole or a specific group), rather than just the owners, managers or employees. The CIC is a new legal form providing a flexible alternative to charities and industrial and provident societies, particularly suitable for those who wish to work within the relative freedom of a limited company framework without either the profit motive or charity status. To be eligible to be a CIC, an enterprise or business must pass the 'Community Interest Test'. This means that the Office of Regulator of CIC's based in Companies House, Cardiff must receive evidence that the activities of that enterprise or business are carried on for the benefit of the community to such an extent that a reasonable person would agree.

4.2.19 To be eligible for discretionary rate relief, the organisation must satisfy the following conditions:

- a) the organisation or institution occupying the premises must not be established or conducted for profit; and
- b) each of the organisation's main objects must be charitable, or otherwise philanthropic or religious, or concerned with education, social welfare, science, literature, or fine arts.

4.2.20 The company's object is to carry out its activities which benefit the community and in particular (without limitation) to provide facilities which tackles issues such as obesity, depression, cardiac rehabilitation and other such health-related issues. It does this through educating and supporting individuals and the community as a whole by providing an affordable all-inclusive health lifestyle package tackling weight management and fitness particularly, but not only to people living in Caerphilly. These objectives are achieved by supporting local charities, NHS groups, diet clubs and holding educational seminars.

4.2.21 The company's Memorandum and Articles of Association state that if the company is wound up due to insolvency and all its liabilities have been satisfied, any residual assets shall be given or transferred to the Gwent Cardiac Rehab Trust Fund, a registered charity based at St. Woolos Hospital, Newport. This satisfies the discretionary rate relief requirement for remaining assets to be used for charitable or non-profit making purposes.

4.2.22 Membership is open to individuals residing within the Caerphilly County Borough and surrounding areas with fees ranging from £5 per session, up to £25 per month or a discounted rate of £50 for 3 months. Non-members are welcome, for example, people wishing to continue rehabilitation from cardiac or pulmonary illness.

4.2.23 The company has been set up specifically to carry out the object given in point 4.2.20 above and is not established or conducted for profit. In addition, the organisation's main object is

either wholly or mainly charitable, or concerned with philanthropy, social welfare and education, as required under the regulations.

4.2.24 The Authority's policy in relation to Community Interest Companies allows for 100% discretionary relief to be awarded for premises with a rateable value up to £75,000 and 50% where the rateable value exceeds £75,000. As the rateable value of the property being used in this case is currently £25,500, 100% relief may be awarded.

4.2.25 The current annual business rate liability of the organisation's premises in Caerphilly is £12,062 and, if the Authority were to grant 100% discretionary rate relief, the cost to the Authority of awarding the relief at current levels would be £1,206 with the Welsh Government pool bearing the remainder of £10,856.

4.2.26 Taking the above matters into consideration, it appears that the organisation known as the 'Slim Gym Caerphilly CIC Limited' and its use of the premises satisfies all of the relevant qualifying criteria.

4.2.27 **Proposal (to be implemented on 10th day of March 2015):**

100% discretionary rate relief be awarded.

5. EQUALITIES IMPLICATIONS

5.1 This report is to advise Members of the proposed determination of the application(s) for discretionary rate relief so the Council's full Equalities Impact Assessment process does not need to be applied.

6. FINANCIAL IMPLICATIONS

6.1 These are contained within the report.

7. PERSONNEL IMPLICATIONS

7.1 There are no personnel implications.

8. CONSULTATIONS

8.1 There are no consultation responses which have not been reflected in this report.

9. RECOMMENDATIONS

9.1 Members note the proposed determination of the application(s) for discretionary rate relief under delegated powers which will be implemented on the 10th day of March 2015.

10. REASONS FOR THE RECOMMENDATIONS

10.1 As set out throughout the report.

11. STATUTORY POWER

11.1 Section 47 of the Local Government Finance Act 1988.

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Consultees: Cllr B Jones, Deputy Leader & Cabinet Member for Corporate Services
Nicole Scammell, Acting Director of Corporate Services & Section 151 Officer
Stephen Harris, Interim Head of Corporate Finance

Background Papers:
Rate Relief Application Forms, contact ext 3421

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CORPORATE HEALTH AND SAFETY COMMITTEE

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, TREDOMEN,
ON MONDAY, 17TH NOVEMBER 2014 AT 10.00 AM

PRESENT:

Councillor D. Havard - Chair

Councillors:

M. Adams, P.J. Bevan, D.T. Hardacre. .

Together with:

D. Jones (Service Manager, Health, Safety and Welfare), G. Hardacre (Head of HR and Organisational Development), T. Phillips (Health and Safety Manager), P. James (Health and Safety Manager), S. Hawkins (Community Leisure Officer), E. Townsend (Deputy Health and Safety Manager), K. Evans (Occupational Health Manager), S. Wright (Service Manager - Learning Disability/Mental Health), S. Ruddock (Senior Insurance and Risk Officer), S.M. Kauczok (Committee Services Officer).

Trade Union Representatives:

S. Brassinne (UCATT), N. Funnell (GMB), J.A. Garcia (UNISON), D. A. Williams (UCATT).

1. APOLOGIES

Apologies for absence had been received from Councillors A.G. Higgs, G.J. Hughes and S. Kent, Mr B. May (T&G), L. Donovan (Personnel Manager) and M.S. Williams (Head of Community and Leisure Services).

2. DECLARATIONS OF INTEREST

There were no declarations of interest made at the beginning or during the course of the meeting.

3. MINUTES

RESOLVED that the minutes of the Corporate Health and Safety Committee held on 16th June 2014, be approved as a correct record and signed by the Chair.

4. MATTERS ARISING FROM THE MINUTES

Minute No. 9 - Darren Valley Traffic Issue

Councillor D.T. Hardacre expressed concern in relation to the ongoing problem of Council owned vehicles travelling at speed through the Darren Valley particularly in 20 mph zones.

REPORTS OF OFFICERS

Consideration was given to the following reports.

5. RESULTS OF AUDIOMETRIC SCREENING PROGRAMME - PRESENTATION

Kath Evans, Occupational Health Manager, gave a Powerpoint presentation on the Council's Audiometric Screening Programme, which had commenced in 2013. The aim of the programme is to provide an independent assessment of employee hearing levels for identified CCBC employees exposed to noise levels as indicated by risk assessment. Employees who are considered to be exposed to noise at work and who have been identified via a risk assessment are included in a Health Surveillance programme.

The testing of 742 employees commenced in July 2013 at the Occupational Health Department, Tredomen. The areas which have been identified as at risk requiring a hearing test include Refuse and Cleansing staff, Parks and Bereavement Services, Housing, Duty Officers within the Directorate of Education and Leisure, some Social Services staff, Highways, Print Room staff, Facilities and some Caerphilly Passport employees.

All the staff involved completed an initial/follow up questionnaire in relation to their hearing and signed a consent form for release of information to management. Staff were given an otoscopic examination (a visual inspection of the external ear canal and tympanic membrane) within a sound booth in a clinical room at the Occupational Health Unit. During the test employees were asked to listen to a series of tones through headphones and press the responder button. The majority of staff had been at work on the day of their test; some staff attended at the beginning of their shift and some at the end.

Of the 742 staff who were screened, 415 were found to have acceptable hearing ability (Category 1), 239 had a mild hearing impairment (Category 2), 85 were found to have poor hearing (Category 3) and 3 people were assessed as having rapid hearing loss (Category 4). 168 initial Category 3 results were all repeat tested, 85 proved to be true Category 3 and were referred for follow up and if necessary ENT referral. To date 11 have been referred for ENT. Members were advised that overall it appears that the organisation hearing conservation programme is of a sufficient standard as trends have been shown in the majority to be upward. Managers in each Directorate would be encouraged to continue to promote good hearing conservation by enforcing the wearing of recommended hearing protection stipulated in the Control of Noise at Work Regulations 2005.

The Chair thanked Kath for the informative presentation and a full discussion ensued. Officers responded in detail to the issues raised by Members and Trade Union representatives.

6. RAMIS: STATUTORY MAINTENANCE COMPLIANCE

Donna Jones, Service Manager, Health Safety and Welfare, updated the Committee on RAMIS (Risk Assessment Management Information System), which is used by the Authority to help manage its statutory maintenance responsibilities for all of its workplace premises and provides a live record of compliance across all Authority premises.

RAMIS collates all statutory maintenance inspections undertaken by contractors, records all cyclical tasks to be undertaken by CCBC staff and all H&S inspections/audits of buildings. Building Managers receive emails reminding them of tasks due and overdue and reports are generated from the system on compliance.

A significant amount of work had been undertaken to ensure the Authority is compliant. Electrical testing (17th edition) is carried out every 5 years, gas safety certificates are required annually and legionella risk assessment are required every 2 years. In addition, regular water quality/fire alarm and fire fixed alarm wiring testing are undertaken. Fire risk assessments are undertaken of large corporate buildings and comprehensive schools annually with other buildings every 2-3 years. Portable fire fighting equipment is tested on an annual basis. In addition, air conditioning/sprinkler systems are tested annually, emergency lighting six monthly, fixed ventilation every 14 months, lifts six monthly and asbestos surveys are carried out every 3 years.

Reference was then made to high-risk inspections i.e. electrical reactive tasks, legionella reactive tasks and gas safety reactive tasks and their priority ratings. Priority 1 - requires urgent attention (to be undertaken within 60 days); Priority 2 - requires improvement (to be undertaken within 90 days) and Priority 3 - is advisory only (no time limit). Members received details of the inspections undertaken for each directorate, including the number of sites inspected, the number of outstanding tasks and a review status/comments column, which provided up to date information on progress. It was intended that the scope of compliance presentations would be extended in the future and schools would be included in future presentations.

Following the officer's detailed presentation, a question and answer session ensued on the issues raised. Discussion took place in particular on the feasibility of CCBC using its own employees, rather than contractors, to undertake the work involved. All parties present felt that this justified further exploration whilst noting that some of the skills that would be required in domestic properties in terms of gas and electricity would not necessarily transfer to commercial properties. In addition to training requirements consideration would need to be given to the availability of resources, together with the cost implications. It was agreed that officers would prepare a business case to determine whether this proposition would be viable.

7. EDUCATION HEALTH AND SAFETY INSPECTION UPDATE

Terry Phillips, Health and Safety Manager, presented the report, which advised the Committee of recent developments and resulting inspections undertaken by Health and Safety Officers within maintained Caerphilly schools and non-education premises during 2014 in relation to automatic powered access gates.

The Health and Safety Section had completed a total of 10 inspections, 7 of which were primary schools. Two of the 7 primary schools had powered pedestrian access gates, all the remaining were vehicle access gates. Five of the sites inspected, three of which were primary schools, did not comply with the standard guidance of BS EN 12453. Six of the sites did not have an installation commissioning certificate or report for the gates on site. Three of these were primary schools. Six of the sites inspected had no regular maintenance or servicing contract in place, four of these were primary schools. Five sites had not had the gates pressure tested in the last six months, three of these being primary schools. Six of the sites on inspection had post installation faults that needed rectification. Four of these were primary schools.

Health and Safety Officers completed the audits during June and August 2014. Reports on the non-compliances have been identified and passed to the Head of the respective schools or building manager to initiate and rectify. All schools received support to advise the action they need to take to achieve compliance and officers are checking progress with the schools.

Further monitoring inspections at these schools will be undertaken in November 2014 and the powered gates will be added to the school RAMIS cyclical tasks to prompt maintenance servicing and pressure testing in future. The equipment will be added to the ongoing General Inspection and Management Health and Safety Audit exercises undertaken by Health and Safety.

It was noted that a Health and Safety Guidance Note has been issued on the installation and testing of powered gates since the inspection and this has been provided to Technical Service Areas who commission installation of such gates and to schools who may commission installation directly with a contractor.

The Corporate Health and Safety Committee noted the report.

8. DRIVER CERTIFICATE OF PROFESSIONAL COMPETENCE TRAINING UPDATE

Under European Union Directive (96/26EC) professional bus, coach and lorry drivers must hold a driver CPC in addition to their driving licence, this applies to any drivers of lorries over 3.5 tonnes. All drivers must complete 35 hours of periodic training every five years and on an on-going basis. This requirement came into effect in September 2009 with a 5 year deadline to September 2014.

Driver CPC training in Caerphilly Council commenced in 2011. Caerphilly adopted the modular approach and ran 5 sessions lasting 7 hours each, with health and safety and fleet services delivering the 5 modules. Since 2011 health and safety and fleet services have trained 245 drivers, all completing the 35 hours by the 9th September 2014 deadline, thus ensuring there are no operational disruptions.

In addition, Caerphilly CBC was approached by Torfaen and Blaenau Gwent Councils to deliver the Driver CPC programme to their drivers. Torfaen put forward 65 drivers with 30 completing all 5 modules, the remaining 35 attended up to module 4 but then gained further CPC hours by winter maintenance courses with Raglan Training. Blaenau Gwent put forward 62 drivers with all 62 completing 5 modules with Caerphilly CBC.

The Corporate Health and Safety Committee noted the report.

9. FIRE SAFETY IN SCHOOLS

The report provides an overview of the outcome of a recent programme of Fire Risk Assessment reviews and highlights where improvements are required. Health and Safety work closely with schools on improving fire safety and with technical divisions where alterations to buildings are planned. This has proved very successful and year on year improvements to fire safety in schools have been made. A progress update of Fire Risk Assessment Actions was circulated at the meeting.

There has been significant improvement in Fire Safety in Caerphilly Schools since 2006 when the fire risk assessment programme commenced. Education and Risk Management have jointly invested in improvements which include upgrading of fire alarms, improvements to alarm wiring, removal of redundant hose reels and installation of fire barriers where required. This work has greatly improved the risk to life from fire in schools.

The Committee noted the improvements that had been made to fire safety within schools. However, during the course of the discussion, reference was made to the need to raise awareness of the importance of completing a fire drill that has been initiated as a result of a false alarm in order to avoid possible confusion and complacency in the future.

It was moved and seconded that the recommendations in the report be approved. By a show of hands this was unanimously agreed. The Committee endorsed the recommendations in the report as follows: -

1. Health and Safety will communicate the findings of this round of Fire Risk Assessment Reviews to Headteachers and request that they review the findings on the RAMIS system. For those schools named in the report which require improvements to their fire alarm system, a letter will be sent to each Headteacher from the Director of Education requesting that the works are undertaken by a given deadline and confirmation of the same in writing to the Health and Safety Department.
2. An update report will be submitted to Corporate Management Team in the New Year.

10. INFORMATION ITEMS

The following reports were received and noted: -

1. Recent HSE Updates.
2. Accident Statistics Report for April to September 2014.

The meeting closed at 12.08 pm.

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the next meeting, they were signed by the Chair.

CHAIR

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CAERPHILLY HOMES TASK GROUP (WELSH HOUSING QUALITY STANDARD)

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, YSTRAD MYNACH
(SIRHOWY ROOM) ON THURSDAY, 11TH DECEMBER 2014 AT 5.00 P.M.

PRESENT:

Mrs D. Price - Chair
C. Davies- Vice Chair

Task Group Members:

R.T. Davies, Mrs G. Green, K. James, Mrs S. Jones, Ms A. Lewis, M. McDermott,
Mrs D. Moore, J. Moore.

S. Couzens (Chief Housing Officer), P. Davy (Head of Programmes), P. Smythe (Housing Repair Operation Manager), R. Thornett (Tenancy Enforcement Manager), K. Watkins (Communications & Tenant Engagement Officer) and C. Evans (Democratic Services Officer).

1. APOLOGIES

Apologies for absence were received from Councillors L. Ackerman, Mrs B.A. Jones, G. Jones, C.P. Mann and Mrs D. Moore.

2. DECLARATIONS OF INTEREST

Ms. A. Lewis, Mr. C. Davies, Ms. G. Green, Mrs S. Jones and Mr. M. McDermott as Council Tenants declared a personal but not prejudicial interest in all agenda items.

3. MINUTES – 30TH OCTOBER 2014

RESOLVED that the minutes of the meeting held on the 30th October 2014 be approved as a correct record and signed by the Chair.

4. RESPONSE REPAIR POLICY

P. Smythe, Housing Repair Operation Manager provided a report, which informed the Task Group on the implementation of the Response Repairs Policy for all Council properties.

The report proposed to introduce a Response Repairs policy document to replace the former 2004 policy statement, which was more of a staff training and procedure manual and included a policy statement. The original document was not intended to provide information for tenants and as such was not made available on the Council's Internet website.

The Response repairs are defined in the policy, as repairs, which are required by tenants to existing elements of their property and tenants, need to be aware of the arrangements the Council has in place for providing this service.

The report also highlighted its commitment to providing an effective and responsive housing repairs and maintenance service in order to ensure high levels of tenant satisfaction along with protecting the value of its housing stock.

The Task Group considered the report and recommendations and were pleased with the Policy.

Following consideration it was moved and seconded that the Caerphilly Homes Task Group supported the introduction of a Response Repairs Policy, prior to consideration by the Policy and Resources Scrutiny Committee and thereafter, Cabinet. By a show of hands, this was unanimously agreed.

5. REVIEW OF WHQS INVESTMENT STRATEGY AND HRA CAPITAL PROGRAMME 2015/16

The report advised the Caerphilly Homes Task Group on a revised investment strategy and set out the HRA capital programme budget for 2015/16.

Major slippage during the 2014/15 financial year has necessitated a review of the investment strategy over the remaining five years of the programme. The slippage will cause additional pressure due to the increase in the volume of properties that will need to be completed over a shorter timescale. In order to maintain the principle of separation of internal and external works there are a large number of community area sequence changes, mainly affecting the external works. The HRA capital programme budget indicates the necessary resources based on the Savills cost plan to deliver the programme during 2015/16 to meet the revised WHQS Investment Strategy.

The Task Group thanked the Officer for the report and discussion ensued, in which concerns were raised over the quality of works and achievability of the programme. Officers acknowledged that the completion numbers were high, however, when the total figures are broken down, including all contractors, the figures appear more achievable. The Task Group noted that additional staff, including Clerk of Works are being employed in order to assist with the programme and ensure that the work is completed on time and to a high standard.

The Task Group discussed the Tenant Surveys, which were conducted in various areas following completion of works. Tenants had raised concerns about the length of time it had taken for the surveys to be sent out. A number of issues were fed back to the Task Group and it was suggested that the information be supplied to Officers in order to address these issues with the tenants.

Having fully considered the report and the recommendation contained therein, it was moved and seconded that the Caerphilly Homes Task Group recommend that the Policy and Resources Scrutiny Committee support the revised investment strategy and the capital programme for 2015/16 that flows from the strategy, prior to consideration by Cabinet. By a show of hands, this was unanimously agreed.

6. COMMUNICATIONS UPDATE.

K. Watkins, Communications & Tenant Engagement Officer, provided the Caerphilly Homes Task Group with an update on communications activities undertaken over the previous year, along with plans for 2015.

It was noted that a great deal of work has taken place over the past year to raise the profile of Caerphilly Homes, both internally and externally, through a variety of methods and media. A number of new initiatives have been implemented, alongside the continuation and enhancement of existing communications activities.

A key priority for the coming year will be the establishment of a mixed stakeholder-working group to oversee a full-scale review of communications across Caerphilly Homes; the findings of which will form the basis for a revised communications strategy.

The Task Group congratulated Officers on the work so far and sought further information on the stakeholder-working group. Officers explained that this would be considered after Christmas, however, Officers are keen to have the involvement of the Armchair Reviewers for the project, along with new and experienced tenants.

The Task Group suggested that the newsletter distributions be increased above the current 2 newsletters a year. Officers highlighted that these are the most costly form of communications and the team are considering a number of other options in order to effectively communicate with tenants in a more cost effective fashion

The Caerphilly Homes Task Group noted the report.

7. HRA STAFF TURNOVER REPORT 2013/14

The Caerphilly Homes Task Group agreed to defer this item to a later meeting date.

8. DOMESTIC ABUSE POLICY

R. Thornett, Tenancy Enforcement Manager, provided an overview of the report and demonstrated available equipment, in response to a request for information on the Housing Policies in place to prevent offences relating to Domestic Abuse.

The report provided the Task Group with details of any new information and anticipated changes in the near future, along with details of the Domestic Abuse Policy for Caerphilly Homes. The Policy is contained within the Statement of Policy and Procedure for Anti-Social Behaviour, as domestic abuse cannot be tackled by one lone agency and makes reference to the key agencies involved in addressing, responding to and tackling domestic abuse throughout Caerphilly.

The Domestic Abuse Policy is intended as a cross-reference to all other Housing policies and procedures, which enables users and staff to readily access the information when required.

The Task Group thanked the Officer for the report and discussed the Policy. Officers highlighted that the Policy is in need of updating, however, the Welsh Assembly are considering the legislation and therefore, Policies will be updated when the Legislation is available.

A Task Group Member sought further information on how Housing Policies are supporting Domestic Abuse and added that a dedicated team should be assigned to deal with Domestic Abuse. Officers highlighted that the Domestic Abuse Policy is in place alongside other Housing Policies and is taken into considerations in Housing aspects such as allocations.

Following in depth discussion and consideration, the Caerphilly Homes Task Group noted the report.

9. WHQS MONITORING REPORT 2014-2015 (HALF YEAR)

The report provided the Task Group with an overview of the performance of the WHQS Team during the six month from April 2014 to the end of September 2014, which included details of the capital expenditure programme for 2014-15 for WHQS works.

Members noted the arrangements in place to monitor and manage the performance of the WHQS programme for 2014-15, which included a number of performance dashboards used by a range of staff within the WHQS team. Performance is monitored and managed formally via the WHQS Management Delivery Team meetings, which occur every fortnight.

The Task Group noted the details of the WHQS Internal works programme, which includes 933 properties. It was noted that 249 properties (39%) were compliant in respect of the internal elements as of 11th November 2014. The external works programme includes 835 properties. Arrangements are in place to measure tenant satisfaction levels and compliance with service standards for the internal works contracts via surveys. However, surveys for 2014-15 contracts have only just been sent out, so no survey results are available.

Following consideration and discussion, the Caerphilly Homes Task Group noted the report.

TO RECEIVE ANY REQUESTS FOR AN ITEM TO BE INCLUDED ON THE NEXT AVAILABLE AGENDA

The following requests were received:-

- (i) Clive Davies requested an update report on Procurement Progress.

Mr J. Moore asked why it was taking so long for new Task Group Members to receive a new phone- SC Chase

An observation was made by the tenant members of the Task Group that at 6.00pm there was only one Councillor at the meeting, that being the Chair. Concerns were raised by the tenants about the lack of Councillors' attendance at meetings. It was agreed that officers would raise the matter with the Cabinet Member

The meeting closed at 6.27 p.m.

Approved as a correct record subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 19th February 2015.

CHAIRMAN



PENSIONS/COMPENSATION COMMITTEE

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, YSTRAD MYNACH ON MONDAY, 12TH JANUARY 2015 AT 1.00 PM.

PRESENT:

Councillors:

W. David, N. George, D. M. Gray, Ms J.G. Jones, C.P. Mann, S. Morgan, Mrs M. Sargent.

Together with:

G. Hardacre (Head of HR and Organisational Development), T. Shaw (Head of Engineering Services), S.M. Kauczok (Committee Services Officer).

1. CHAIR

In the absence of the Chair, it was moved and seconded that Councillor W. David take the chair for the meeting. By a show of hands this was unanimously agreed.

2. APOLOGIES

Apologies for absence had been received from Councillors Mrs J. Gale, J.E. Fussell and T.J. Williams (respective Cabinet Member).

3. DECLARATIONS OF INTEREST

There were no declarations of interest made at the beginning or during the course of the meeting.

4. APPLICATION FOR THE RELEASE OF PENSION BENEFITS UNDER REGULATION 30 (85 YEAR RULE)

Members considered the public interest test certificate from the Proper Officer and concluded that on balance the public interest in maintaining the exemption outweighed the public interest in disclosing the information and it was: -

RESOLVED that in accordance with Section 100A(4) of the Local Government Act 1972 the public be excluded from the remainder of the meeting because of the likely disclosure to them of exempt information as identified in paragraphs 12 and 14 of Part 4 of Schedule 12A of the Local Government Act 1972.

Consideration was given to the report, which detailed the application received from DGR for early access to pension benefits under the Local Government Pension Scheme and Caerphilly CBC's Early Retirement Scheme (utilising the 85 year rule protections). It was noted that the applicant qualifies to apply for early release given their age and years of service.

It was moved and seconded that the recommendation contained in the report be approved. By a show of hands this was unanimously agreed.

RESOLVED that for the reasons contained in the report and outlined at the meeting, DGR be granted access to their pension benefits under the Local Government Pension Scheme.

The meeting closed at 1.17 pm.



NON-DOMESTIC RATEPAYERS CONSULTATION MEETING

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, YSTRAD MYNACH ON
TUESDAY 3RD FEBRUARY 2015 AT 5.30PM

PRESENT:

Councillor H. David - Chair

Together with:

S. Harris (Interim Head of Corporate Finance), H. Morgan (Senior Committee Services Officer), E. Sullivan (Committee Service Officer)

Melvin Byles, Chairman of the South East Wales Federation for Small Businesses

1. APOLOGIES

Apologies for absence were received from Councillor K.V. Reynolds.

It was noted that Councillor S. Morgan was not present as, being a non-domestic ratepayer, he had declared an interest.

2. LOCAL GOVERNMENT FINANCE ACT 1992 - SECTION 65 - CONSULTATION WITH NON DOMESTIC RATEPAYERS

The meeting had been convened in accordance with Section 65 of the Local Government Act 1992 to consult representatives of non-domestic ratepayers on the Council's draft budget proposals.

A notice outlining the provisions of the Act and inviting non-domestic ratepayers to participate in the consultation process had been placed in the local press. Notification had also been sent to the local Chambers of Trade and the South East Wales Branch - Federation of Small Businesses.

Only one individual, Melvin Byles, of the South East Wales Federation for Small Businesses had contacted the Council as a result of the notification.

The Chair thanked Mr Byles for his interest and welcomed him to the meeting. He then invited Mr S. Harris (Interim Head of Corporate Finance), to outline the key financial pressures facing the Council in 2015/16. Mr Harris circulated copies of a summary of the draft 2015/16 budget proposals setting out the following details:-

- Whole authority cost pressures (pay awards/non-pay inflation/supported borrowing/transfers in/out and other passported grants)

- Inescapable service pressure and other service commitments (council tax reduction scheme/waste management contingency/contact centre, Bargoed/meeting the schools pledge/social services demographics/proposal for waste transfer station)
- Income (reduction in revenue support grant/reduction in outcome agreement grant/proposed council tax increase - 3.9%)
- Proposed savings (whole authority/education and lifelong learning/social services/environment/corporate services - totalling £11.960m)
- Other (reduction in fire service levy)

Reference was then made to the report that is to be presented to Cabinet on 4th February 2015 in relation to the budget proposals 2015/16 and medium term financial strategy 2015/18 (a copy of which was given to Mr Byles) and to the detailed consultation exercise that had been undertaken over the past six months. It was noted that details of feedback are appended to the report. Mr Harris advised that the proposals contained within this report would deliver a balanced budget for 2015/16 on the basis that council tax is increased by 3.9%.

Mr Byles was invited to comment on the information received and he advised that he would be more than happy to be part of any future consultation and would share the content of the report with his colleagues and correspond with Mr Harris as required, prior to being presented to Cabinet/Council on 25th February 2015.

It was accepted that whilst proposed savings have been identified for 2015/16, those for 2016/17 and 2017/18 will be more challenging. Mr Harris advised that during the coming months detailed work will be carried out to identify a range of savings proposals to meet the significant financial challenges that lie ahead and that they would be the subject of a further extensive consultation process. The views of all stakeholders, which will feed into the process, would be welcomed and encouraged.

The Chair suggested that Mr Byles attend a future meeting of the Policy and Resources Scrutiny Committee to give evidence and brief Members on the role of the Federation. Arrangements would be made in due course.

With regard to non-domestic rates, which are set as a means by which businesses and other users of non-domestic property contribute towards the costs of local authority services, it was noted that NDR is calculated by taking the rateable value of a property and multiplying it by the NDR 'multiplier' for the year in question. The multiplier is set by Welsh Government and the payment collected by local authorities on its behalf. Welsh Government capped the increase to 2% for 2014/15 and has confirmed that a 2% cap will also apply for 2015/16. It was noted that there are plans to undertake a revised valuation (to take effect in April 2017) but that to date no arrangements have been made.

During the course of the debate, Mr Byles advised the meeting that in November last year a letter was sent to all local authorities on behalf of the Federation with queries relating to NDR Relief Schemes. In that the most comprehensive reply received was from this authority, Mr Byles wished to place on record his appreciation for the informative and helpful response that he had received from John Carpenter (Council Tax & NNDR Manager).

The Chair thanked those present for their attendance and contribution and closed the meeting at 6pm.



POLICY AND RESOURCES SCRUTINY COMMITTEE – 3RD MARCH 2015

**SUBJECT: SUMMARY OF MEMBERS' ATTENDANCE – QUARTER 3 – 1ST
OCTOBER 2014 TO 31ST DECEMBER 2014**

**REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES AND SECTION 151
OFFICER**

1. PURPOSE OF REPORT

- 1.1 To report Members' levels of attendance at scheduled meetings of Caerphilly County Borough Council.

2. SUMMARY

- 2.1 The report details the attendance of Members at scheduled meetings throughout the Quarter 1st October to 31st December.

3. THE REPORT

- 3.1 Appendix 1 details Members' attendance for quarter 3 (1st October 2014 to 30th December 2014), at the following meetings:-
- Council;
 - Cabinet;
 - Scrutiny Committees;
 - Planning Committee;
 - Audit Committee;
 - Democratic Services Committee; and
 - Sustainable Development Advisory Panel.
- 3.2 The information is compiled from attendance sheets signed by Members at these meetings.
- 3.3 The appendix also allows for a comparison with the same period in the preceding two years. When making comparisons to previous quarters/years, please note that overall averages given are the weighted average to reflect the number of meetings in each quarter.
- 3.4 Details for the next quarter (1st January 2015 to 31st March 2015) will be reported to the next appropriate meeting of the Scrutiny Committee.

4. EQUALITIES IMPLICATIONS

- 4.1 There are no specific equalities implications arising as a result of this report.

5. FINANCIAL IMPLICATIONS

5.1 There are no specific financial implications arising as a result of this report.

6. PERSONNEL IMPLICATIONS

6.1 There are no specific personnel implications arising as a result of this report.

7. CONSULTATIONS

7.1 None.

8. RECOMMENDATIONS

8.1 That Members note the content of the report.

9. REASONS FOR THE RECOMMENDATIONS

9.1 To inform Members of attendance levels at scheduled meetings of Caerphilly County Borough Council from the Annual Meeting of Council, 2014.

Author: C. Evans (Committee Services Officer)

Background Papers:
Member attendance sheets

Appendices:
Appendix 1 Schedule of Members' Attendance 2012 to 2015

Quarterly Summary of Attendance Levels (Percentages)

AGM to AGM

	2012-2013					2013-2014					2014-2015				
	Q1	Q2	Q3	Q4	Total	Q1	Q2	Q3	Q4	Total	Q1	Q2	Q3	Q4	Total
Council	89	88	85	81	84	87	82	82	88	85	84	84	75		81
Crime & Disorder		38		59	59		69		94	82		81			81
Education For Life	75	78	66	69	72	72	75	69	75	73	66	65	81		71
Health, Social Care & Wellbeing	88	75	85	88	84	75	66	78	69	72	75	73	74		74
The Living Environment															
Regeneration															
Regeneration and Environment	69	77	71	88	76	69	63	81	84	74	81	80	77		79
Policy & Resources	81	88	71	79	77	69	78	84	85	79	78	77	88		81
Planning Committee	75	83	80	74	78	75	82	85	89	83	85	75	73		78
Audit Committee		58	50	42	48	83	75	67	83	77	58	83	58		66
Democratic Services Committee		44	63	69	60	69		69	75	71	88	75	69		77
Sustainable Development Advisory Panel	73	45	64	45	61	64	64		64	64		82	55		69
Average Attendance per quarter	78	67	71	71	74	74	72	77	81	76	77	86	81		81
Cabinet	90	94	93	88	91	95	82	92	93	91	93	93	95		94

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POLICY AND RESOURCES SCRUTINY COMMITTEE – 3RD MARCH 2015

SUBJECT: POLICY AND RESOURCES SCRUTINY COMMITTEE FORWARD WORK PROGRAMME

REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES AND SECTION 151 OFFICER

1. PURPOSE OF REPORT

1.1 To report the Policy and Resources Scrutiny Committee Forward Work Programme.

2. SUMMARY

2.1 Forward Work Programmes are essential to ensure that Scrutiny Committee agendas reflect the strategic issues facing the Council and other priorities raised by Members, the public or stakeholders.

3. LINKS TO STRATEGY

3.1 The operation of scrutiny is required by the Local Government Act 2000 and subsequent Assembly legislation.

4. THE REPORT

4.1 The Policy and Resources Scrutiny Committee Forward Work Programme identifies reports that are due to be presented to scrutiny during the period February to April 2015 and have followed consultation process which includes key stakeholders and the public.

4.2 For information, the latest Policy and Resources Scrutiny Committee Forward Work Programme is attached at Appendix 1.

5. EQUALITIES IMPLICATIONS

5.1 There are no specific equalities implications arising as a result of this report.

6. FINANCIAL IMPLICATIONS

6.1 There are no specific financial implications arising as a result of this report.

7. PERSONNEL IMPLICATIONS

7.1 There are no specific personnel implications arising as a result of this report.

8. CONSULTATIONS

8.1 There are no consultation responses that have not been included in this report.

9. RECOMMENDATIONS

9.1 That Members note the Forward Work Programme.

10. REASONS FOR THE RECOMMENDATIONS

10.1 To improve the operation of scrutiny.

11. STATUTORY POWER

11.1 The Local Government Act 2000.

Author: Catherine Forbes-Thompson Scrutiny Research Officer

Consultees: Jonathan Jones Democratic Services Manager

Appendices:

Appendix 1 Policy and Resources Scrutiny Committee Forward Work Programme

Policy and Resources Scrutiny Committee Forward Work Programme – February to April 2015		
Subject Area	Report Title	Proposed Meeting Date
Pre-Decision Scrutiny	Rechargeable Repairs	3 March 2015
	Response Repairs	3 March 2015
	Regulation of Investigatory Powers Act Policy Review	14 April 2015
	Anti Poverty Strategy	14 April 2015
	Social Media Policy	14 April 2015
	Options for The Grove, Fochriw	14 April 2015
	National Procurement Service (NPS) for Wales	14 April 2015
Consultation and Information	Forward Work Programme	3 March 2015
	Caerphilly LSB's delivery of its Single Integrated Plan ("Caerphilly Delivers")	14 April 2015
Performance Management:- <ul style="list-style-type: none"> • WAO Service Performance Reports • Improvement Objectives • Council Self-Evaluation • Service Improvement Plans 	<u>No reports for this area</u>	
Monitoring of Authority's Financial Resources	Write Off of Debts – (for information only)	3 March 2015
	Treasury Management & Prudential Indicator Monitoring Report – Quarter 3	3 March 2015
Ombudsman Reports	Ombudsman Report Housing	3 March 2015
Task and Finish Group	<u>No reports for this area</u>	

Policy and Resources Scrutiny Committee Forward Work Programme – February to April 2015		
Subject Area	Report Title	Proposed Meeting Date
Members / Public Requests, Call-Ins and CCfA	Consultancy Costs	14 April 2015
Scrutiny of Designated Persons and Other Organisations	<u>No reports for this area</u>	