

CENTRAL BEDFORDSHIRE COUNCIL

At a meeting of the **SOCIAL CARE, HEALTH & HOUSING OVERVIEW & SCRUTINY COMMITTEE** held in on Thursday, 13 August 2009

PRESENT

Cllr Miss A Sparrow (Chairman)
Cllr A M Turner (Vice-Chairman)

Cllrs Mrs J Freeman
P Freeman
Mrs R B Gammons

Cllrs Mrs S Goodchild
J Kane
P Rawcliffe

Apologies for Absence: Cllrs Ms A M W Graham
Mrs J Ogley

Members in Attendance: Cllrs D Bowater
Mrs R J Drinkwater
Mrs C Hegley,
R A Baker

Officers in Attendance: Nick Costin – Head Private Sector Housing
Mr D Jones – Assistant Director,
Commissioning
Mr J Partridge – Overview & Scrutiny Officer
Ms M Peaston – Senior Democratic Services
Officer
Miss C Powell – Overview and Scrutiny Officer
Mr E Thompson – Assistant Director, Adult
Social Care

SCHHOSC/08/15 **Apologies for Absence**

Apologies for absence were received from Julie Ogley, Director of Social Care Health and Housing and late apologies were received from Councillor Alison Graham.

SCHHOSC/08/16 **Minutes**

The minutes of the meeting held on 16 July 2009 were approved as a correct record subject to the addition of Councillor Bowater, Assistant Portfolio Holder for Health and Social Care, to the list of members present.

SCHHOSC/08/17 **Declarations of Interest**

There were no declarations of interest.

SCHHOSC/08/18 Chairman's Announcements and Communications

The Chairman presented a number of matters of communication, as follows:

- An article about the Council's Director of Social Care Health and Housing had been included in the LINK newsletter for July. The newsletter could be accessed at <http://www.bedfordshirelink.org.uk/BedsLINK/KMS/news.aspx>.
- The East of England Scrutiny Committee minutes had been sent to all the members of the Committee. Bob Smith from LINK asked to be added to the mailing list.
- Bedfordshire NHS's IVF Policy was circulated electronically by David Levitt at the request of the Chairman
- There would be an item on every future agenda for LINK to update the Committee. The Chairman had previously invited Bob Smith from LINK to provide an update on Bedfordshire LINK activity and he had circulated a brief written report at the meeting advising on various internal matters.

SCHHOSC/08/19 Public Questions, Statements and Deputations

There were no public questions, statements or deputations.

SCHHOSC/08/20 Disclosure of Exempt Information

There were no matters for consideration which might contain exempt information.

SCHHOSC/08/21 Call-in

There were no matters of call-in.

SCHHOSC/08/22 Empty Dwellings Management Orders (EDMOs)

The Committee received a report of the Head of Private Sector Housing which proposed the use of enforcement powers available to the Council in respect of problematic long term empty private sector homes in the Council's area. The Committee were informed that the Housing Act 2004 contains provisions about the occupation of privately owned empty homes. The device for securing occupation of empty homes is known as an Empty Dwelling Management Order (EDMO). Once the legislation has been commenced, an Empty Dwelling Management Order would enable the Council, in the circumstances discussed in the report, to take management control of a dwelling in order to secure occupation of it. The legislation is intended to operate alongside existing Council procedures for securing occupation of empty homes. In this instance it would offer an alternative to enforcement action under other legislation.

In particular the report recommended the forming of a partnership with Pathmeads Housing Association. This would enable the Council to use Pathmeads' expertise to manage any properties that were brought back into occupation through the use of Empty Dwelling Management Orders (EDMOs).

In response to questions the Committee was advised that Pathmeads Housing Association was developing experience of operating EDMOs and was already doing so locally in Luton and East Hertfordshire. A regional office was being planned in this area. However, it would be possible to pull away from the partnership approach with Pathmeads if it proved unsatisfactory. The Committee was keen that the market should be tested for other social housing providers in relation to this future role.

The Committee heard that a EDMO must contain a management scheme setting out how the Council will carry out its duties and how it will account for monies spent and collected on an empty property. The Committee heard that the legislation stipulates the Council must keep full accounts of income and expenditure and anyone with a relevant interest in the dwelling should have reasonable access to inspect them.

Members considered the report which provided comparative figures for the growing trend of long term empty private sector properties. This currently stood at 1500 home recorded as empty in the last 6 months and of these 1500, 450 have been empty for the past two years. The Committee were informed that these types of figures conflict with the demand for properties within the MKSM growth area. Empty Homes also contributed to the blight of areas through their unsightliness, health and safety issues which lead to anti-social behaviour.

A question was asked regarding the next steps after the 7-year term which was the longest period that an EDMO was permitted to run. Members noted that the legislation was new and there had not yet been an EDMO in place for the maximum period of 7 years.

After the maximum 7 year period, the Council has no actual powers to maintain the tenancy. The Council will, however, discuss with the tenant in good time, options available to them. This might mean commencing a new tenancy in a different property or re-instating the tenancy at the current property. It was hoped that as a tenancy would have been in existence for some time at the conclusion of 7 years that either the tenancy would continue, or the owner of the property would take steps to use or dispose of the property.

Comments were made welcoming the approach of using EDMOs. The point was made that if the number of problematic long-term empty dwellings increased year on year, this would need to be managed and resources allocated accordingly.

Members discussed the specific properties detailed in the report and noted that due to the very recent death of the owner, one of those which had been identified as suitable for an EDMO could no longer be considered at this time.

A request was made that people living at neighbouring properties to those identified for an EDMO, and also those who had anticipated that action would be taken where the EDMO could no longer be pursued, be informed of the current position. The officers confirmed that this would be done.

The Committee was advised of two properties which had been empty for a long period and which were owned by Cranfield University. The officers indicated that they would investigate whether the powers to use an EDMO were available for a university-owned dwelling, as public bodies were exempt from the legislation.

RECOMMENDED TO THE EXECUTIVE:-

- 1. that the Executive be asked to extend the Empty Homes Policy and Protocol, previously adopted by South Bedfordshire District Council, to apply to all of the Central Bedfordshire Council area; and that in particular:-**
 - a. the Executive include a suitable definition of the scoring criteria assigned to the categorisation of an Empty Dwelling when identifying classifying and attributing an Empty Dwelling Management Order (EDMO)**
 - b. the Executive approves the general use of Empty Dwelling Management Orders (EDMOs) where the homes blight neighbourhoods and meet the selection criteria set out at Appendix B, page 3 of the submitted report;**
 - c. the Executive approves the use of selection criteria set out in Appendix B of the submitted report to identify properties in the area suitable for Empty Dwellings Management Orders or where appropriate, Compulsory Purchase;**
 - d. that the Executive approves the progression of Empty Dwelling Management Orders in respect of three properties previously identified to South Bedfordshire District Council Executive in 2008 in order to develop a reliable process for the use of EDMOs;**
- 2. that the Executive be asked to recommend to Council the signing of the Pathmeads Framework Agreement, to provide management services for the Council in respect of 3 named properties which are brought back into occupation through the use of EDMOs, and that the officers additionally further test the market in respect of social housing providers to carry out this future role.**

RESOLVED:-

1. that the Committee receives and agrees the Executive's definition of the scoring criteria assigned to the categorisation of an Empty Dwelling when the Council identify, classify and attribute an Empty Dwelling Management Order (EDMO)
2. that the Committee notes that lessons learned from progressing three initial Empty Dwelling Management Orders will be incorporated within Central Bedfordshire Council's Empty Homes Strategy, to be presented to this Committee for overview consideration in the spring of 2010.

SCHHOSC/08/23 Substantial Variations and Developments of Health Services

The Committee received a report of the Overview and Scrutiny Officer in relation to the requirement that NHS bodies consult the Committee on proposals for substantial variations or developments to health services in the area. Members noted that the term "substantial" required clarification and it was proposed that officers of this Council, Bedford Borough Council and Luton Borough Council work with NHS Bedfordshire to develop a protocol acceptable to all parties in respect of health matters falling within their individual geographical boundaries so that there was a definition and clear understanding of the term.

A report would be brought back to the Committee setting out the proposed protocol at a later date. A comment was made by David Levitt, NHS Bedfordshire who was present at the meeting that clarity across the area would be welcomed.

RESOLVED:-

1. that the Social Care, Health and Housing Overview and Scrutiny Committee note the contents of this report for information;
2. that the Social Care, Health and Housing Overview and Scrutiny Committee note the framework for discussion with the local NHS bodies and the Local Involvement Network (LINK) to assist in reaching agreement on what constitutes "substantial" in the local context and how such consultation should be carried out.
3. to note that a report on the proposed new protocol would be brought to a future meeting of the Committee.

SCHHOSC/08/24 Review of the Committee's Work Programme

The Committee received a report providing information on the key strategic plans and priorities originating from the Social Care Health and Housing Directorate and NHS Bedfordshire. These were set out at Appendices 1-3 of the report. Members discussed at which meetings they wished to consider each matter.

It was noted that the following matters would be brought to the September meeting:-

- LINK Update

- Key pressures affecting NHS Bedfordshire

- Quarter 1 Budget and Performance Information

- Directorate Overview: Safeguarding Vulnerable Adults

- Consultation Feedback: Homelessness Event

- Update of Adult Social Care Improvement Plan

- Revised Work Programme

- Executive Forward Plan

Members agreed that David Levitt be asked to circulate NHS Bedfordshire's response to the National Audit Office's Report, "Services for people with rheumatoid arthritis" by email. Members asked that the response address the provision of services for those affected by rheumatoid arthritis as well as the action GPs were taking.

- Private Sector Housing Renewal Strategy – the Committee would decide at the October meeting whether a Task Group should be set up to work on this matter

- Performance Report Quarter 2

Members noted that item 15 on the Work Programme, Annual Health Check, would be the subject of a short report to the Committee in either October or November 2009.

A comment was made that it would be helpful to Committee members to see some of the facilities which were the subject of Committee discussion, for example the re-ablement service and sheltered accommodation. Whilst they recognised that it was not appropriate for very large groups to visit residents in their home, Members welcomed any opportunity for a visit.

A discussion took place regarding a seminar on Personal Social Care. It was noted that this was a very complicated field and should therefore be afforded sufficient time for Members to develop their knowledge. A suggestion that a seminar to include a working lunch could be held following the October meeting of the Committee was welcomed.

Members noted that the Executive would be receiving a presentation on the Government Green Paper on costs for social care at its meeting on 13 October 2009, and members of the Social Care Health and Housing Overview and Scrutiny Committee were welcome to attend.

Members were also welcome to attend a seminar run by the Director of Social Care, Health and Housing for officers and partners on this subject on 24 September 2009. The Green Paper and Supporting Documents can be accessed by this link <http://careandsupport.direct.gov.uk/greenpaper/the-green-paper-and-supporting-documents/>

RESOLVED:-

1. that the Work Programme be amended;
2. that members of the Committee be kept informed of any events which fell within the terms of reference of the Committee, and in particular that they be informed of any proposed public consultation on such matters;
3. that item 20 on the Work Programme, Housing Strategy, is referred to the Overview and Scrutiny Management Panel for consideration. As the Local Development Framework (LDF) Task Force established by the Sustainable Communities Overview and Scrutiny Committee is considering aspect of this strategy, the Social Care Health and Housing Overview & Scrutiny Committee might consider joint working with Sustainable Communities Overview and Scrutiny Committee members due to the cross cutting nature of this topic;
4. that opportunities for visits by members of the Committee to sheltered accommodation be scheduled;
5. that a seminar including a working lunch be run immediately after the October meeting of the Committee.

SCHHOSC/08/25 Executive's Forward Plan of Key Decisions

The Executive's Forward Plan of Key Decisions for the period 1 August 2009 to 31 July 2010 was noted.

SCHHOSC/08/26 Date of Next Meeting

The Committee noted that the next meeting would be held on 10 September 2009 at the Council Offices, Dunstable in Committee Room 1 starting at 10.00am.

Date
Chairman

(Note: The meeting commenced at 10.00 a.m. and concluded at 11.35 a.m.)