

**COMMUNITY SAFETY  
AND COMMUNITY SERVICES SCRUTINY COMMITTEE**

Thursday, 15<sup>th</sup> March, 2012 at 6.00 p.m.  
in Committee Room 2, The Council House, Dudley

**PRESENT:-**

Councillor Kettle (Chairman)  
Councillor Cotterill (Vice-Chairman)  
Councillors Attwood, Burston, Foster, Mrs D Harley, Ryder, Mrs Westwood  
and Zada.

**OFFICERS**

Assistant Director of Corporate Resources (Customer Services),  
(Directorate of Corporate Resources), (Lead Officer to the Committee),  
The Drugs and Alcohol Team Manager, (Chief Executive's Directorate),  
Head of Service (Children's Services) and Assistant Director of Housing  
(Directorate of Adult, Community and Housing Services), Principal Solicitor  
and Miss K Fellows, (Directorate of Corporate Resources).

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35. **APOLOGIES FOR ABSENCE**

Apologies for absence from the meeting were submitted on behalf of  
Councillors Mrs Martin and Ms Wood.

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36. **DECLARATIONS OF INTEREST**

No Member made a declaration of interest in accordance with the  
Members' Code of Conduct in respect of any matter to be considered at  
the meeting.

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37. **MINUTES**

RESOLVED

That the Minutes of the meeting of the Committee held on the  
19<sup>th</sup> January, 2012, be approved as a correct record and signed.

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38. **PUBLIC FORUM**

No matters were raised under this Agenda item.

39.

REPORTING ON SECTION 17 – CRIME AND DISORDER ACT 1998

A report of the Director of Adult, Community and Housing Services was submitted on the work that the Directorate of Adult, Community and Housing Services was involved in that contributed towards fulfilling the obligations of Section 17 of the Crime and Disorder Act 1998. Appended to the report submitted were details of the responsibilities and contributions that each division made within the Directorate in relation to the above obligations.

In presenting the report and appendices to the report submitted the Assistant Director of Housing made reference to the various contributions made by each Division.

Arising from the presentation of the report and Appendices to the report submitted Members asked questions.

In responding to Members' questions the Assistant Director of Housing stated that:-

- In relation to the closure of Netherton Library and the move to the Savoy Centre in Northfield Road, Dudley as this was not a council owned building the Savoy Centre would have carried out their own Equality Impact Assessment and she understood that training funding was no longer available;
- That specific training in relation to customer care and customer understanding would be undertaken by all members of staff who dealt with cases of homelessness;
- In relation to re-housing those who were vulnerable the term refugees did not include asylum seekers, as refugees were those who were covered by the regulations of the United Kingdom Border Agency and were entitled to claim benefits, whereas asylum seekers were those who had been detained by the Home Office;
- In relation to noise nuisance and in particular nuisance relating to dogs, the Assistant Director of Housing undertook to provide members with details of how those complaints were dealt with and how many complaints were acted upon;
- That in relation to animal cruelty the Council would report incidents to the Royal Society for the Prevention of Cruelty to Animals and that in relation to enforcement action taken against council tenants, tests of reasonableness and whether the action was proportionate to the specific breach of tenancy conditions would be applied;

There then followed a detailed discussion in relation to the travelling community, together with specific cases. The Assistant Director of Housing reported that the Council continued to undertake work with both the travelling and settled communities in order to improve relations and

address issues.

In relation to the action taken by the Council following young people leaving Corporate Care, the Assistant Director of Housing stated that Tenancy Support Officers, the Youth Team and other Partners would work with those leaving care in order to try and re-house them and as to whether this was successful would be dependant upon where the young people wished to be re-housed and the type of accommodation required.

In responding to further questions from Members the Assistant Director of Housing advised as follows:-

- There were approximately 23,000 Council houses within the Borough.
- In relation to the 18 legal notices referred to in Appendix 1 to the report submitted, these related to activity for nine months preceding December, 2011 and some of those cases would be ongoing;
- That all new tenancies would be Introductory Tenancies fixed for a twelve month period which could be extended to 18 months, and that should tenancy conditions be breached during the above term the tenancy could be terminated

In responding to further questions in relation to Council house Tenancies the Principal Solicitor advised that the Council had to comply with the Landlord and Tenant Act in relation to granting tenancies and the term of Introductory Tenancies could not be extended beyond the term stated above with the Council being under a duty to convert the tenancy to a secure tenancy once the introductory tenancy period had expired.

The Assistant Director of Housing undertook to email to Members details of the number of offenders that the Multi Agency Public Protection Panel were dealing with.

She also advised that the involvement with those suffering domestic abuse would depend upon circumstances and need and that the periods involved may differ dependant upon the circumstances of the case, however she could provide examples of the cases dealt with and approximate time scales of involvement.

The Assistant Director of Housing undertook to email to Members details of the number of users who entered the Tenancy Support – Substance Abuse programme during 2011/12.

In relation to the Local Lettings Plans (LLPs) the Assistant Director of Housing reported that LLPs had been agreed through consultation with residents for the new build sites to determine the 'mix' of family types that would benefit the community. The criteria was then used as part of the advertising process for Choice Based Lettings. Whether or not the Local Lettings Plan had been a success would be reported on at a later date as the new builds were currently being let.

The Assistant Director of Housing undertook to email to Members details of the number of empty homes that were referred to in Appendix 2 to the report submitted.

In responding to a question from Councillor Attwood in relation to Tenancy enforcement, the Principal Solicitor undertook to clarify the part of the Landlord and Tenant Act that referred to the term of Introductory Tenancies and respond to him direct.

In responding to a further question from a Member the Assistant Director of Housing advised that proactive work was being undertaken in order to trace owners of properties in order that enforcement action could be taken to bring properties up to standard.

In responding to a question regarding the mile rule as far as anti social behaviour and drug abuse was concerned, the Principal Solicitor advised that there were linkages between criminal behaviour and breaching tenancy conditions and there were some criminal activities that could result in repossession action being pursued. He undertook to clarify the position as to whether if certain types of offences were committed more than a mile from their properties they would not be in breach of their tenancy conditions and respond to the Member direct.

The Assistant Director of Housing further advised that if there was no connection between the offence and the property it may prove difficult to establish that there were reasons for repossession, however Government legislation in relation to certain offences was being considered with a view to changes to that legislation being made and the Council were awaiting the outcome of test cases in London on repossession actions following the riots in order to establish whether the test of reasonableness and proportionality could be satisfied in relation to repossession proceedings. She also advised that any legislation would not be retrospective.

In responding to a further question regarding ending tenancies for life and granting these for a three year period, the Assistant Director of Housing advised that consideration was being given to the consultation in relation to the above proposal, however within the Dudley Borough tenants wanted lifetime tenancies and as tenants were valued and the Council wanted to avoid disruption within communities the idea of three year tenancies, would it was considered, not be the way forward for the majority of tenants.

The Assistant Director of Housing also referred to the Welfare Reform changes impacting upon the affordability of obtaining Council and private housing.

In responding to a concern raised by a Member regarding the allocation of funding to deal with fire safety issues she confirmed that the Area Housing Panel and Central Dudley Area Committee were consulted in relation to the allocation within their area and in view of the fact that concerns had been raised in relation to the consultation, the matter had been referred to the Director of Adult, Community and Housing Services and the Cabinet Member for Housing who had agreed that the consultation process could be reviewed for future events but the recommendations were agreed. She

also advised that there was a legal requirement for the council to deal with fire safety issues.

RESOLVED

- (1) That the information contained in the report submitted, and Appendices to the report, submitted on the work that the Directorate of Adult, Community and Housing Services was involved in that contributed towards fulfilling the obligations of Section 17 of the Crime and Disorder Act 1998, be noted.
- (2) That the Assistant Director of Housing be requested to email to Members details of the following:-
  - (a) How noise nuisance complaints relating to dogs had been dealt with and how many complaints were acted upon;
  - (b) The number of people that the Multi Agency Public Protection Panel were dealing with;
  - (c) In relation to the Multi Agency Assessments examples of cases and the timescales of involvement.
  - (d) The number of users who had entered the Tenancy Support Substance Abuse programme during 2011/12;
  - (e) The number of empty homes referred to in Appendix 2 to the report submitted;
- (3) That the Principal Solicitor be requested to:-
  - (a) Email to Councillor Attwood the part of the Landlord and Tenant Act that referred to the term for Introductory Tenancies;
  - (b) Email to Councillor Cotterill clarification in relation to the position as to whether if certain types of offences were committed by a tenant more than a mile from their Council properties they would not be in breach of their tenancy conditions.

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40.

PROVISIONAL WORK PROGRAMME FOR 2012/13

A report of the Lead Officer to the Committee was submitted on initial consideration of the Work Programme of the Committee for 2012/13.

RESOLVED

That Members be requested to inform the Lead Officer of any further matters that they would wish to see included on the Work Programme for 2012/13.

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41. TO CONSIDER WHETHER TO REQUEST THE ATTENDANCE OF ANY SAFE AND SOUND BOARD MEMBER OR THE PROVISION OF ANY INFORMATION AT A FUTURE MEETING IN RELATION TO THE COMMUNITY SAFETY AND COMMUNITY SERVICES SCRUTINY COMMITTEE WORK PROGRAMME.

Following discussion on this issue it was:

RESOLVED

That the attendance of any Safe and Sound Board Member or the provision of any information at the next meeting be not pursued.

The meeting ended at 7.15pm.

CHAIRMAN