

**MEMBERS' QUESTIONS**

**AGENDA ITEM 6**

**QUESTION 1**

**MR DAVE TREMELLEN** will ask the following question:

Councils in Scotland will soon have the power to enter privately-rented properties to ensure they are being properly maintained by the landlord.

Given that many Members here can cite examples of privately rented properties within their own Division that fall short of the decent standard expected of any housing provider, many of us are aware that there is an urgent need to target properties with vulnerable tenants, particularly those with children, who may be less likely to challenge landlords over poor conditions.

Whilst Shropshire Council, through ST&RH, often do re-house such vulnerable tenants lucky enough to come to our attention, often of some urgency because flagged-up by the concerns of health visitors for the welfare of the children involved – two such in my Division within the last few months - the properties which created the situation from which they have been 'rescued' remain to be let to subsequent tenants. And so it goes on.

Will Shropshire Council lobby central government for powers (which the Local Government Association has been advocating for some time) similar to those enacted in the Housing (Scotland) Act which is due to go live in April?

**MR MALCOLM PRICE**, the Portfolio Holder for Planning, Housing Regulatory Services and Environment will reply:

The current methods for enforcing private rented sector housing conditions in Scotland and England are very different.

The Housing (Scotland) Act 2006 details 'The Repairing Standard' which is the landlord's duty to repair and maintain privately rented properties in Scotland. The Repairing Standard itself does not differ greatly from the deemed acceptable housing conditions for England, however its enforcement does. Whereas local housing authorities in England hold the powers to enforce to improve conditions in the private rented sector, this duty falls to the Private Rented Housing Panel (PRHP) in Scotland. The PRHP is an independent organisation and not part of a local authority.

Under the Housing (Scotland) Act 2006 only a tenant could make a referral to the PRHP if they felt their landlord was not maintaining their property correctly.

A PRHP Committee, made up of a lawyer, a chartered surveyor and a housing member, is then appointed to the case and they inspect the property and hold a hearing which determines if there is fault and what the course of action should be. If there are breaches of the Repairing Standard found, the PRHP Committee make a Repairing Standard Enforcement Order which will require the landlord to take specific action to bring the property up to the Repairing Standard.

In England the Housing Act 2004 introduced the Housing Health and Safety Rating System (HHSRS). The HHSRS is a risk-based evaluation tool to help local authorities identify and protect against potential risks and hazards to health and safety from any deficiencies identified in dwellings.

Where a housing conditions concern is raised with a local authority in England the first step is for an officer to undertake an HHSRS inspection and assessment. The result of the inspection and assessment then determines the action the local authority can or must take. The enforcement responsibility lies with the local authority and there are a range of enforcement options dependent on the severity of any hazards identified during the inspection.

Local authorities in England already have powers of entry to a privately rented property under Section 239 of the Housing Act 2004 in order to carry out HHSRS inspections. This enables a person authorised by the local authority to enter the premises in question at any reasonable time for the purpose of carrying out a survey or examination of the premises. If access to a property for this purpose is obstructed a warrant to enter the property can be sought under Section 240 of the Act.

Local authorities in England therefore already have greater powers to enter privately rented properties in order to maintain the standard of privately rented housing stock in their area. They are also able to enforce improvements to conditions of the property even if the tenant who originally raised the concern has left – ensuring any future tenant does not experience the same issue.

In Shropshire, the Community Protection Team in Business Support and Regulatory Services deal with private rented sector housing issues. Where a conditions concern is raised they contact both the tenant and the landlord and deal with the issues using the HHSRS and associated enforcement when necessary.

Shropshire HomePoint, Shropshire Council's choice based lettings system, manage the housing register in Shropshire and advertise properties owned by the majority of social housing providers in the county, including Shropshire Towns and Rural Housing. HomePoint applicants are awarded points based on their circumstances which give them a level of priority for rehousing. Applicants then bid on advertised properties in order to be considered for them, the applicant who has bid with the highest priority will then be allocated the property.

Tenants in privately rented housing where the condition is poor can register with Shropshire HomePoint in order to find alternative accommodation, and points are given to applicants where their existing property is found to have a Hazard as defined by the HHSRS. The Housing Options Team or HomePoint will inform the tenant that they need to report conditions issues to the Community Protection Team so the issues can be investigated and if necessary action taken to require the landlord to rectify them. This is the preferred course of action as once the issues are addressed by the landlord the need for rehousing is removed and the tenant can remain in their property, reducing pressure on the demand for socially rented housing. If the landlord refuses to act the council have associated powers to do the works needed in default and/or prosecute the landlord.

The changes being introduced in April 2016 as amendments to the Housing (Scotland) Act 2014 do not give Scottish local authorities any additional powers of entry to inspect private rented sector housing in comparison to English local authorities. Rather they bring them more in line with the powers already held by English authorities.

The primary change being introduced in Scotland is to allow third parties, including local authorities, to make representations to the PRHP whereas only tenants could do this under the 2006 Act. This is to allow Scottish authorities to act more effectively where they feel the tenant may not have the skills or knowledge to make their own representation to the PRHP, or where the condition of a rented property is impacting on someone else, like a neighbour, and the tenant of the property is not willing to act themselves. The changes also allow a local authority to act independently of the tenant, even if the tenant has left the property, to ensure conditions are improved for future tenants. This is a facility already afforded to English local authorities through the HHSRS.

In order to support the introduction of third party representation to the PRHP it was also felt necessary to introduce additional powers of entry to privately rented properties for local authorities in Scotland. These powers allow them to enter a property in order to inspect it to assist them in preparing cases to be presented to the PRHP. This power was not previously required as local authorities could not make representations to the PRHP.

These powers of entry have not however been introduced across the board. It is a discretionary power which must be applied for if an area has been specifically designated as an Enhanced Enforcement Area (EEA). EEAs were also introduced in amendments to the Housing (Scotland) Act 2014 to allow local authorities to target enforcement in specific areas designated as EEAs due to their prevalence of privately rented homes which exhibit poor conditions, overcrowding and anti-social behaviour. In England any privately rented home is subject to the provisions made to maintain conditions under the Housing Act 2004 and the HHSRS, regardless of its location.

## **QUESTION 2**

**MR ROGER EVANS** will ask the following question:

Can the Portfolio holder please inform Council how much revenue was collected from on street car parking in Shrewsbury during 2012/13, 2013/14 and 2014/15. Also the estimated amount for this current year 2015/16 and years 2016/17, 2017/18.

Further can he inform Council of:

- a) The subsidy that Shrewsbury's Park and Ride received and is estimated to need for similar years please.
- b) The number of passengers carried in 2012/13, 2013/14 and 2014/15.
- c) The number of passengers estimated to use the Park and Ride by the end of this current financial year.

**MR PETER ADAMS**, the Deputy Portfolio Holder for Travel, Transportation and Parking will reply:

Following a re-design of the Shrewsbury Park & Ride Service and its re-tender, the cost to the Council for this contract will see it reduced from a cost of £369k in 2014/15 to £0 in 2016/17.

Passenger numbers have remained at consistent levels over the same period and we are hopeful that with the introduction of new environmentally friendly buses in 2017/18 this will help to attract further passengers to the service.

	2012/13 Actual	2013/14 Actual	2014/15 Actual	2015/16 Forecast	2016/17 Forecast	2017/18 Forecast
Revenue collected from on street car parking in Shrewsbury	£321,275	£342,417	£316,408	£328,000	£328,000	£328,000
Shrewsbury Park and Ride subsidy	£257,894	£346,451	£369,792	£250,000	£0	£0
Number of passengers (passenger trips)	875,667	870,086	886,166	877,397	877,397	877,397

## **QUESTION 3**

**MR MILES KENNY** will ask the following question:

Fairtrade is about better prices, decent working conditions, local sustainability and fair terms of trade for workers and producers in the developing world. Fairtrade aims to enable the poorest farmers and workers to improve their

position and have more control over their lives, better and less environmentally damaging farming practices and allowing local communities to thrive leading to less migration.

On 12<sup>th</sup> March the Shropshire Fairtrade Coalition have invited **Sheena Varghese**, a Fairtrade Coffee Producer from India to talk about Fairtrade and how it has helped her and her community. In addition Fairtrade Shrewsbury are running Fairtrade Breakfasts.

This Council is committed to supporting Fairtrade in Shropshire.

What is this Council doing about Fairtrade Fortnight which takes place from 29<sup>th</sup> February to 13<sup>th</sup> March?

**MR STEVE CHARMLEY**, the Portfolio Holder for Business and Economy will reply:

Shropshire Council, across schools and catering establishments operated by Shire Services, uses Fair Trade products when appropriate.

Shirehall Restaurant is planning events over the Fairtrade Fortnight to tie in with the theme of breakfast. The posters and information are currently being finalised and will be advertising this event shortly.

We don't do a county wide Fair Trade promotion in schools as the fair trade products we can use in schools is limited, however, individual schools who support this theme will be running events managed by the school but supported by the catering team.

The catering offer that the Council runs at the Old Market Hall and Theatre kiosks and bars are already committed to supplying Fairtrade products, wherever possible. They will be participating in the Fairtrade Fortnight.

#### **QUESTION 4**

**MR MILES KENNY** will ask the following question to the Leader of the Council:

Although you may find that one of the most pressing issues is how to make the books balance, there is no cabinet member responsible for taking action on climate change.

Climate Change is one of the most pressing issues facing humanity today and needs to be addressed both locally and globally.

Climate change accounts for our unseasonal weather patterns and severe storms which leads to record flood levels, high winds, higher temperatures and so on. This in turn leads to crop failures and higher food prices, in addition to extensive damage to property, public and private.

Climate change also leads to conflict as people leave the less productive lands for more productive land.

Climate change causes health issues either from severe cold or excessive heat which effects everyone everywhere, particularly the more vulnerable.

Climate change has to be addressed locally and globally:

- Why is there no Cabinet member with responsibility for tackling Climate Change?
- What are Cabinet's plans in dealing with the effects of Climate Change?
- What is this Council's contribution in dealing with Climate Change?

**THE LEADER, MR M PATE** will reply:

The climate and its effects on our environment covers a number of areas across a number of portfolios however, the lead comes from the Portfolio Holder for Planning, Housing, Regulatory Services and Environment.

Shropshire Council has a number of plans and activities that reflect our response to the changing climate.

Under the Flood and Water Management Act 2010 Shropshire Council is designated as a Lead Local Flood Authority, responsible for the management of local flood risk in Shropshire. Local flood risk is that arising from surface water, ground water and smaller, or 'ordinary', watercourses. The Environment Agency is the authority for the management of main rivers.

One of the council's duties is that of preparing, maintaining and acting in accordance with a local flood risk management strategy. Our strategy sets out how we will manage local flood risk, working collaboratively with communities and other organisations, and how we will go about getting the funds necessary to do this. It also sets out how we will take climate change into account as we do this.

Although there will be little change in precipitation annually, seasonal patterns are likely to vary somewhat from today's trends. Maximums of 30% less are expected in the 2080s during summer months and 30% more during winter months by the same decade.

Overall, summers are likely to be hotter and drier, with winters milder and wetter. The UK is likely to experience more severe weather events than at present, with a higher risk of flash flooding and storms all year round, as our rain arrives in shorter 'bursts'. Building these changes in to our calculations when designing schemes is something we have now been doing for some time. We also check developers' proposals too, to ensure that adequate allowances for climate change have been made as part of the planning approval process resulting in new development that is resilient to climate change in terms of flood risk.