

Scrutiny Board

Minutes - 21 September 2021

Attendance

Members of the Scrutiny Board

Cllr Paul Sweet (Chair)
Cllr Philip Bateman MBE
Cllr Val Evans
Cllr Rita Potter
Cllr Wendy Thompson
Cllr Simon Bennett (Vice-Chair)
Cllr Jasbinder Dehar
Cllr Asha Mattu
Cllr Susan Roberts MBE
Cllr Zee Russell
Cllr Ellis Turrell
Cllr Barbara McGarrity QN

In Attendance

David Pattison	Chief Operating Officer
Ross Cook	Director for City Environment
Sarah Campbell	Customer Engagement Manager
Chris Howell	Regulatory Services Manager
William Humphries	Service Manager, Private Sector Housing
Julia Cleary	Scrutiny and Systems Manager
Earl Piggott Smith	Scrutiny Officer

Part 1 – items open to the press and public

Item No. *Title*

- 1 Apologies for absence**
Apologies for absence were received from Cllr John Reynolds, Cllr Paul Birch was in attendance as a substitute.
- 2 Declarations of interest**
There were no declarations of interest.
- 3 Minutes of the previous meeting**
Resolved:
That the minutes of the previous meeting be approved as a correct record and signed by the Chair.
- 4 Annual Social Care, Public Health and Corporate Complaints Report**

The Panel received a report from the Customer Engagement Manager, requesting the Board to review complaints management and performance for the period 1 April 2020 to 31 March 2021.

The Council had received 256 stage one corporate complaints in comparison to 185 received during the same period in 2019/20. Details of the complaints were provided in Appendix 2. It was noted that out of the 256 cases received, 97 were upheld (at fault).

In relation to the corporate stage one complaints, the highest figure of 170 complaints referred to Waste Management and out of 170 received, 82 were upheld; this was in comparison to 56 stage one complaints received during the same period in 2019/20. The Complaints Team had worked closely with the waste management service to improve complaint handling and ensure appropriate remedies were put in place to achieve the best outcomes for customers. The council received 20 stage two cases; Out of the 20 cases received, 4 cases were upheld (at fault), 2 were partially upheld and 14 cases were not upheld (not at fault).

The Council had received 33 stage one Children's Services complaints in comparison to 58 complaints for the same period in 2019/20, this was a decrease of 25 and details were provided in Appendix 1. The Board noted that no stage one cases were upheld, 19 were partially upheld and 14 cases were not upheld.

There had been five stage two complaints which was consistent with the previous year and no stage three complaints had been received.

The Council had received 32 stage one Adult Services complaints in comparison to 53 in the previous year. Six cases had been upheld, 13 were partially upheld and 13 were not upheld.

The Council received 30 Local Government and Social Care Ombudsman (LGSCO) assessment enquiries and 13 full enquiries. Wolverhampton Homes had received 7 Housing Ombudsman (HO) assessment enquiries and 7 full enquiries.

The Board understood that when a complaint was upheld (council at fault) and the findings of a subsequent investigation required a financial remedy, change to policy or service delivery, the Customer Feedback Team produced an action plan report. Recommendations within these reports were agreed with appropriate Heads of Service and shared with the relevant Service Manager or Director to ensure appropriate remedies and changes were implemented. The Customer Feedback Team also attended regular quality assurance meetings for Adults and Children's Services and Waste Liaison meetings to ensure that learning from complaints was used to drive service improvement.

A number of compliments had also been received with 221 for Corporate Services, 22 for Children's Services and 142 for Adult's and Public Health Services.

The Chair thanked the Customer Engagement Manager for the presentation.

A question was raised as to whether a complaint form always had to be completed for a complaint to be logged and that this might put some residents off submitting a complaint. The query was raised as to whether this might account for the low number (8) of complaints in relation to arboriculture matters. It was also noted that complaints in relation to environmental and waste management continued to remain high and were not reducing over time.

The Customer Engagement Manager stated that to make a complaint, most customers used the online form but that they could also use the email address, contact the team by phone or write a letter. In relation to the waste complaints, this was and had always been a theme, but the Customer Engagement team were working very closely with the waste management team to try and reduced the figures and that the service had been hit hard by the pandemic. In relation to the arboriculture complaints, this was all that had been received and the Board noted that it might be the case that residents often reported issues to their councillors in the hope that this might resolve the matter, rather than submit a formal complaint to the Council. The Customer Engagement Manager agreed that she would have a look at the complaints form to ensure that it was straight forward to complete.

The Director of City Economy advised the Board that a report in relation to trees had been considered by the Vibrant and Sustainable Communities Scrutiny Panel in the previous year and that an update on this could be provided if requested. It was also noted that the waste services complaints did appear high but in comparison to the number of collections made (8 or 9 million) the percentage of complaints was not as extreme as it might appear. The importance of feeding back live information was also noted in relation to improving service delivery and again the impact that the pandemic had on the waste collection service was highlighted. The Director of City Environment commended the work done by the waste collection service but agreed that there was a need to focus on the customers who were dissatisfied. The Board agreed that many residents were grateful and complimentary of the service when it was efficient, which was the case most of the time. The Board did however voice concerns into what it considered to be the inadequacy of the purple bins and hoped that when these were replaced, that the replacements would be much sturdier. The Board also considered that it would be useful to receive some evidence of the lessons learnt from the complaints and that it was only considering issues where a complaint had been made and that there would be many more residents who may be dissatisfied but had not made a complaint or just addressed their concerns to councillors directly.

Board requested a better breakdown of the waste management complaints moving forward and some additional information in relation to the purple bins and the contract that was currently in place regarding them.

Board considered fly tipping and whether the Council was getting value for money out of the contractors that were being used and whether there was another way to try and apprehend the people who were fly tipping. Board considered that the £100 incentive of the previous year had been good but that a new initiative was now needed, it was considered that the Council needed to build anti fly tipping processes into everyday practices rather than using contractors. The Director of City Environment stated that the approach to fly tipping had changed in recent months and it was also about trying to reduce waste as a whole. Enforcement was a crucial part in relation to fly tipping and evidence gathering was complex, the shop a tipper

initiative was still happening and considered effective. Work was being done with residents to try and reduce waste and there was a drive across the Council to encourage employees who were already out and about to report any fly tipping. The main aim now was however to seek to reduce waste in general.

In relation to the Children's complaints, a concern was raised in relation to the amount of time between the complaint and the response and whether a response or action would happen quicker if the complaint dealt with safeguarding or child protection. The Customer Engagement Manager commented that if it was safeguarding then it would be reported outside of this process and be considered directly by the Multi Agency Safeguarding Hub (MASH). It was however noted that cases regarding children could be complex to investigate and that the Customer Engagement Team worked closely with the service area to ensure that timescales were adhered to, monthly meetings were also held with the Deputy Director for Children's Services and the complainant was always kept informed as to how the complaint was progressing.

The Board considered how the complaints process fitted in with the new Councillor Enquiries Unit. As many residents did liaise with councillors in the first instance rather than lodge a formal complaint. The Chief Operating Officer stated that the Councillor Enquiry Unit had only gone live after the time scales that the current report referred to, however he stated that he would update councillors in relation to this and to ensure that the trends from the enquiries were picked up and identified. A report would be prepared in October in relation to this and would be considered by the Governance and Ethics Committee.

Board queried the breakdown of compliments and the percentage coming from councillors and those coming from the public. A request was also made for a ward level breakdown of complaints. The Customer Engagement Manager confirmed that all of the compliments were from customers and not from councillors. At the moment it was not possible to provide a ward level breakdown of complaints but that this was being looked at moving forward.

The Board noted that the Adult's Service figures for locality west appeared higher than in other areas and questioned whether there was a reason for this. It was noted that there was no specific reason, but a more detailed breakdown of the figures could be provided.

Resolved:

That the report be noted.

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Private Sector Housing Standards

Board received an update from the Regulatory Services Manager to provide comment on the 'BRE Client Report – BRE Integrated Dwelling Level Housing Stock Modelling and Database for City of Wolverhampton Council October 2017', assertion that 21% of private rented properties had a cat 1 hazard.

Board understood that in 2016 the City Council had commissioned the Building Research Establishment to undertake a series of desktop modelling exercises on housing within the City of Wolverhampton. This modelling

was based on a variety of data sources including Energy Performance Certificate (EPC) ratings, and the English Housing Survey 2012. This data was now nearly 10 years out of date.

The aim of the report was to highlight CAT1 hazards in the City, which was likely to have resulted in the way the data was reported. Using EPC statistical information meant that the CAT1 hazards mostly related to excess cold in private rented accommodation, trip hazards were also included. How trip hazards could be guessed without visiting a property was an unanswered question. It was understood that private rented properties in Wolverhampton compared favourably when pitched against other regional properties however this was not the case nationally. The number of CAT 1 hazards in the City was still unknown and to find this information would require an inspection of every property in the City by a qualified officer, which was not considered feasible for many reasons including, resources, costs, access to homes and time.

Historically the case management system that was used by the Private Sector Housing Service had been configured poorly making it difficult to produce meaningful statistics. Previously reported statistical information could not be replicated and officers stated that there was no confidence in any data prior to April 2021.

It was considered reasonable to assume that in 2021 - 2022 that the Private Sector Housing Service would receive around 60 Housing Health and Safety Rating System (HHSRS) Cat 1 hazard complaints from the 19,443 private rented houses in Wolverhampton. This did not mean that there were very few housing problems in Wolverhampton. Private Sector Housing was a reactive service, only responding to complaints that were received. There were rogue landlords who would stop tenants complaining and there were tenants who would not necessarily know how to complain, especially those new to the country and where English was not their first language. The Team were carrying out work with landlords to ensure that tenants knew how to complain about hazards. Work was also being carried out in relation to illegal evictions, and a Trading Standards Officer had been employed to work to stop this. The Team had been successful this year and no illegal convictions had gone to court.

It was noted that in previous years, work had also been carried out with the Refugee and Migrant Centre to ensure that tenants were aware of their rights and how to report hazards, further work was planned in this area. The Rent with Confidence Scheme had been relaunched with an emphasis on landlords and landlord forums would resume soon.

All houses would have elements that needed repair or improvement from time to time, some of which would create a HHSRS Cat 1 hazard. The real issue for Private Sector Housing was where those repairs or improvements were not carried out in an appropriate time scale or at all.

Board noted that the introduction of effective strategic planning and operational management had created a strong foundation to move forward for the Service. The initial focus would be to ensure that 'business as usual' was delivered robustly, expediently, and efficiently, providing reassurance that the service was delivering its core objectives of addressing poor housing and the poor treatment of tenants.

It was stated that Private Sector Housing was now delivering a good service and was in a process of constant improvement with the aim to become an excellent delivering service. The ongoing improvements would allow the City Council to make significant improvements to the private rented housing stock and the lives of the tenants occupying the properties in Wolverhampton.

The Board welcomed the report. Clarification was sought as to the category one definition. It was confirmed that issues such as excessive cold in a property in an affluent area might be managed well by the owners but in a less affluent area, the owners might not be able to keep the house warm and that this would then count as a category one hazard.

The Board also queried the issue of overgrown gardens in private rented properties, and it was confirmed that this could be reported to the Council and that action could then be taken.

The Board requested information about disabled tenants who required adaptations and what action the Council could take to encourage private landlords to fit these adaptations and support the tenants.

The Board requested clarification about the price differences between houses that were the same but where it appeared that WV Living houses were more expensive more than the help to own homes.

The Board were concerned as to how rogue landlords were tracked down and an overview was given as to the legislative powers and options that the council had in relation to this. It was also noted that there were many good landlords out there and some with bad tenants. The Council sought to support these good landlords to bring them onboard to ensure a good standard of housing for all residents.

The Board were pleased to see improvements in relation to private sector housing standards and in particular the work being carried out with landlords. It was noted that rogue landlords had been prosecuted but the Board considered that it was a constant battle with the Council needing to remain robust to ensure citizens had decent housing and good living conditions. The Board enquired as to the current resources in the Council's Housing Team, the matter of damp and what the current legislation was in relation to overcrowding in rented properties. It was stated that the Team included 10.7 staff plus the Service Manager for Private Sector Housing, who was also currently looking for contractors to provide some extra support whilst the newly recruited team members settled in, it was a new team but a very good and passionate team. In relation to occupancy, houses in multiple occupation (HMOs) consisted of three or more people from two or more households sharing some facilities and for these there were minimum room sizes that were enforced. In relation to larger HMOs (five or more people from three or more households) there was a licensing scheme in place that the Team were looking to extend. In relation to overcrowding in family properties, it was considered the occupants' choice to live in such a way and as such the Council was not able to carry out any enforcement other than to signpost occupants to Wolverhampton Homes or other services that might be able to support them. In relation to damp and mould it was a very difficult issue to deal with and was not always an issue with the property. This was due to a large number of houses, that were built as older stock that were then modernised and

sealed up which produced a large amount of moisture within the house. The Council in partnership with Wolverhampton Homes had launched a piece of work to investigate this to try and identify robust and efficient ways to deal with the issue.

A question was raised in relation to cladding and low rise and commercial buildings. The Board enquired as to whether any database existed in relation to buildings such as these, identifying the type of cladding, any risks to residents and whether there was a works programme in place to rectify any issues identified. It was stated that the Ministry for Communities, Housing and Local Government (MCHLG) had sent out guidelines in relation to private Sector housing following the Grenfell tragedy and there had been a collection of information in relation to high rise buildings (over 18 metres tall). There were 46 buildings identified in the City, mainly managed by Wolverhampton Homes and six or seven in private ownership. Those that had the specified cladding were identified and remedied very quickly, no other buildings were identified at the time. It was thought that MCHLG might be considering a similar project in relation to medium rise buildings but nothing had been confirmed yet.

Resolved: That the update be received.

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Work programmes

An update on the draft work programmes was provided by the Scrutiny and Systems Manager.

Board members noted the variety of issues being addressed not also noted that it would be beneficial to have more pre decision scrutiny brought to the Board for consideration. It was suggested that Scrutiny Board needed to be considering more of the big decision items prior to decisions being made by the Executive. A request was made for the Relighting our Council item to be considered by scrutiny prior to going to Cabinet on 17 November along with the Leisure Private Finance Initiative Report and the report in relation to City Centre Hotel Delivery. A request was also made for a report to come before the Board in relation to the Council's cultural events, including a breakdown of costs and evidence of demand and the affect that such events had on the local economy.

A question was also raised in relation to exempt items as it was noted that some of the items requested would need to be considered in closed session.

In relation to exempt reports. The Council's Chief Operating Officer stated that each report needed to be considered on its on measures and that issues such as Council finances could be a legitimate reason for a report being exempt. It was stated that in all cases the starting point for a report was that it should be above the line and then, only if there was a legitimate reason identified, should it be considered below the line.

Resolved:

1. That the following items be considered by Scrutiny Board as pre decision scrutiny:
 - Relighting our Council update report
 - Leisure Private Finance Initiative report
 - City Centre Hotel Delivery

2. That a report be provided to a future meeting of Scrutiny Board in relation to the Council's cultural events.