

DISCLAIMER

The attached minutes are DRAFT minutes. Whilst every effort has been made to ensure the accuracy of the information, statements and decisions recorded in them, their status will remain that of a draft until such time as they are confirmed as a correct record at the subsequent meeting.

BRISTOL CITY COUNCIL

**MINUTES OF A MEETING OF THE
CALL IN SUB-COMMITTEE OF THE OVERVIEW
AND SCRUTINY MANAGEMENT BOARD
HELD ON 6TH FEBRUARY 2014 AT 5.15 P.M.**

- P Councillor Goulandris
- A Councillor Kent (substituted by Councillor Champion Smith)
- P Councillor Hopkins
- P Councillor Pearce
- P Councillor Pickup (in the Chair)

Also in attendance:

Councillors Negus and Stone, - Callers In
Councillor Hoyt – Assistant Mayor
George Ferguson - Mayor

OSM

78.2/14 PUBLIC FORUM

A public forum statement was received from Councillor Telford and the written submission included in the minute book.

In response to the statement, Sub Committee members expressed their disappointment at the tone of the statement and in particular the use of the language 'ignorant' and 'immature'. It was agreed that Councillor Pickup would write to Councillor Telford and ask him to withdraw the remarks and apologise.

OSM

79.2/14 DECLARATIONS OF INTEREST

Councillor Hopkins asked for it to be noted that he attended one meeting of the cross party working group considering the Under Occupancy Charge, although he was not on the membership.

OSM

80.2/14 WHIPPING

No whipping was declared.

OSM

81.2/14 CALL-IN OF THE CABINET'S DECISION ON THE UNDER-OCCUPATION CHARGE: POLICY RESPONSE FOR COUNCIL TENANTS

The Chair explained the purpose of the meeting and the decisions which were available to the Sub-Committee under the call in procedure.

He then invited the callers in to present their case.

Councillor Stone introduced the Call In and commented that;

- In no way did the call in seek to affect or alter the recommendations of support for tenants, in particular through the hardship fund.
- With reference to the principle of 'due consultation' (article 14/1) it was reported that the views of elected Members were outlined via a motion at Full Council on 17th December 2013. The resolution was ignored and not referred to in the report or through discussion at the Cabinet meeting on 16th January 2014. The debate had taken place in 7 minutes and had not been fair or full.
- The information and resolution provided by Full Council had not informed the Cabinet debate or been accessible through the public papers. The information had not been available if a member of the public did not have access to the internet.
- With reference to the principle of 'taking professional advice from others' (article 14/2), the 48 experienced Councillors had been elected with a total of 76,000 votes but were ignored. The resolution had been an example of collective working between the two biggest parties for the benefit of the city.
- The hard work of the housing team was noted and it was appreciated that there were systems in place to assist those people in need. Although officers claimed that those systems were a clear message to find or seek help, it would be better to have a Council statement of a no evictions policy from the Council, but with strict criteria (as outlined in the Council resolution).
- With reference to the 'presumption in favour of openness' (article 14/5), the decisions taken and associated material should be available to everybody. The resolution of Council had not been included within the paperwork and had not been available. This

showed that the decision makers had not considered all other options.

- The Call In Sub Committee viewed webcast footage of the item discussed at the Cabinet meeting of 16th January. Councillor Stone suggested that there had not been a debate of the facts or of the resolution from Full Council.
- Although there was currently an appeals mechanism for housing benefit decisions and advice/ support, with budget cuts this may not be the case in the future.

Councillor Negus seconded the Call In and commented that;

- The issue had been important enough to be considered on two occasions by Full Council.
- The Cross Party Working Group had been set up following a meeting of Full Council in July 2013 and had presented four solutions, recommending one. There had been a failure to address the resolution of Full Council which highlighted that the Mayor was disengaged from the residents of the City.
- The under occupancy rate was falling and sustainable affordable housing solutions were needed. It had been established by the working group that other enhancement incentives already took place, such as offering downsizing as appropriate. The Full Council resolution pointed out the impracticalities and hardship of the situation.
- The report gave incomplete advice as there was nothing noted about the December motion of Full Council. The decision must have been taken to not remind Cabinet of that motion as it was different to that of the working group. Although Councillor Hoyt stated that the Full Council meeting took place, it had not altered the recommendation to Cabinet.
- The Assistant Mayor members of Cabinet were not invited to vote at Cabinet and the will of two thirds of Councillors had not been considered. Councillor Negus asked for the decision to go back to Cabinet for proper discussion as without discussion the process was deeply flawed and with the absence of checks and balance.

- For a Mayor to be credible they must engage with the process despite of whether they agree with it, and listen closely to the communities. The decision was taken without real consideration.

The Chair invited members of the Sub-Committee to ask questions of the callers in.

In response to questions, the following points were confirmed:

- Councillor Negus confirmed that enhancements already in policy included encouraging people to downsize from larger houses – this included help with removal costs, advice and finding alternative properties. It had been estimated that 120 people had made use of the process.
- Councillor Stone confirmed that neither officers or Cabinet Members had approached him following the resolution at Full Council to discuss the impact of the conditions agreed or specific wording used.
- Councillor Negus had discussed the policy and incentives with Councillor Hoyt at informal meetings. Discussions often dwelt on the unfair position that Councils had been placed in. Councillor Negus had urged for policy to engage with people and use extra resources to help them, rather than using blanket laws.
- Councillor Stone reiterated that the Full Council resolution had been a genuine attempt to recognise the most vulnerable members of the community and outline criteria to be considered within a no evictions policy. The report had not covered other issues and suggestions and that he had expected to be included in the options for the Cabinet.
- Councillor Stone reported that he had approached officers following the publication of the Cabinet papers to request the report be altered but his request had been ignored. There were also inaccuracies in the paperwork mentioning the Full Council meeting in September rather than December.
- Advice and information had been carefully considered before the motion to full Council in December 2013. Councillor Stone believed the numbers of those affected by the Under Occupancy Charge would increase during 2014. Councillor Negus believed the figures would continue to decrease. People that had

experienced financial difficulties with payments should not be demonised and help should be provided.

The Chair invited the Mayor and Councillor Hoyt to explain the background to the Cabinet's decision.

The Mayor commented that:

- There had been absolutely no intent to ignore any opinion especially that of Full Council. The report could have included a stronger reference to the Full Council recommendation for which the Mayor apologised however, the debate of Full Council had been in the minds of Cabinet and discussed prior to the meeting.
- The consideration of Cabinet had been deliberately delayed until after the Council meeting of 17th December in order to fully consider the full account from Councillors. The Mayor had been present during the debate at Full Council and the Cabinet meeting of the 16th January had simply been the conclusion to the debate.
- There had not been a lack of professional advice. The working group led by Councillor Hoyt had done a thorough job with many hours of consideration.
- The debate and difference between the options was largely semantics and the two policies were not far apart.
- It was the shared view of the leaders of the core cities that a 'no eviction policy' would not be sensible and would go against the broader interest of council tenants. Those that pay rent should not be disadvantaged or paying more because of those that don't pay. Eviction would be a last resort and only take place with care and consideration.

Councillor Hoyt commented that:

- The Call In Sub Committee had been tasked to focus on the process of the decision. A Member led cross party working group had been set up with recommendations presented to two meetings of Full Council and Cabinet.
- Members of Cabinet were well aware of the debate and had been present at the meetings of Full Council. The matter had been debated across the city for a year and the Cabinet meeting of the 16th January had been the conclusion of that process.

- The amendment of Full Council had already been considered by the working group and the Housing Management Board with a no evictions policy not supported. All options had been considered and the decision had been difficult to make.

The Chair then invited the officers to comment. The following points were made:

- The Strategic Director, Neighbourhoods reassured Councillor Stone that budget was not proposed to be cut to voluntary sector advice services.
- The Service Director, Housing Delivery reassured Members that the City Council endeavoured to be the best landlord possible working with people to provide them with homes and support tenants to lead successful lives.
- In hindsight it had been an error not to specifically reference the debate at Full Council in the paperwork and for that officers apologised.
- Actions and mitigations were taken to engage with tenants to reach sustainable resolution to problems and ensure they were not pushed further into arrears. Tenants were encouraged to engage and seek to find active solutions.

There followed general debate during which, members asked questions of the officers, Councillor Hoyt and the Callers In. The following is a summary of the main points;

- Councillor Hopkins suggested that Councillor Main (the Liberal Democrat Councillor on the working group) did not sign off the report and therefore not all parties had been in agreement.
- Councillor Hopkins stressed that communication was key and the right message needed to be presented to tenants. The Mayor confirmed that communications to council tenants needed to be clear and should not give the impression that people could get away without paying due rent. A hardship fund had been established to alleviate the situation and no stone was left unturned in exploring all the options available.

- Mayor George Ferguson reiterated that he was entirely informed of all the facts and options available. The temporary no evictions policy had been agreed so that consideration could be given and a Full Council debate take place. Although the report should have referenced the Council debate and resolution, it would not have altered the decision at the Cabinet meeting.
- The Mayor and Councillor Hoyt confirmed that the assistance continued for those who wished to move house and downsize.
- The Mayor considered the legislation to be flawed which meant that although a no evictions policy was a valid principle, it would be difficult to enact.
- Councillor Hoyt highlighted that the decision making process had been the longest of any core city and the most inclusive in order to ensure the right decision was made. All but the fourth part of the Full Council amendment was already Council policy.

The Chair then summed up the responses which had been given by officers and Cabinet members in response to the issues raised in the Call In ;

- Due Consultation – the Sub Committee had heard from officers and the Mayor about the considerable consultation including the Working Group with representatives of all parties and debates at Full Council.
- Taking of Professional Advice – the Mayor had pointed out that there had been consultation with officers, Members and core city comparators.
- Openness and Clarity of Aims and Outcomes – Discussions had taken place both in and out of meetings and it was noted that the process of democracy needed to be apparent. The issue was presented to Cabinet for final decision but references to Full Council had not been contained within the papers or debated in public at the Cabinet meeting. At the meeting Councillor Hoyt referred to the discussion at Full Council but had not confirmed what the resolution was.

Members of the Sub-Committee then debated what course of action the Sub-Committee should take. A view was expressed by a member asking if anything would be achieved by sending the decision back to Full

Council or Cabinet if the decision would be the same. Other Members considered Full Council to be a valid and vital part of the democratic system which was ignored and that a return to Full Council would provide the opportunity for further information and updated figures.

It was suggested that the Full Council amendment was a valid option with measures to ensure people would be identified by the system if they evaded payments. It was also highlighted that although it had been reported that there was copious debate behind closed doors, this had not been apparent to the public and those that would be affected by the policy.

One being put to the vote, it was :

RESOLVED – That the Cabinet’s decision on the Under Occupancy Charge : Policy Response for Council tenants be referred to the next ordinary meeting of Full Council for wider debate.

It was noted that the Full Council may decide either to take no further action or refer the decision back to the Cabinet together with the Full Council’s views on the decision. The Mayor and Cabinet will then consider the full Council’s views before reaching a final decision.

CHAIR

(The meeting closed at 7.25pm)