

**EAST AYRSHIRE COUNCIL****HOUSING COMMITTEE****MINUTES OF MEETING HELD ON WEDNESDAY 28 AUGUST 1996 AT 1400 HOURS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK**

**PRESENT:** Councillors Jimmy Kelly, Gordon Cree, Douglas Reid, Wilma Doyle, Jane Darnbrough, Alan Campbell, John Knapp, David Fulton, David Macrae, Kim Nicoll, Robert McDill, George Smith, Robert Taylor and John Smith.

**ATTENDING:** Fiona Lees, Depute Chief Executive; John Hillis, Director of Housing; Chris McAleavey, Senior Depute Director of Housing (Operations); Bernadette Docherty, Senior Depute Director of Social Work (Children, Families and Criminal Justice); Alan McKnight, Depute Director of Housing (Policy and Strategy); Jim Maitland, Depute Director of Housing (Support and Technical); Douglas Campbell, Head of Public Relations and Marketing; Joan Kendall, Principal Solicitor; Julie Armstrong, Senior Administrative Officer and Stuart Nelson, Administrative Officer.

**APOLOGIES:** Councillors Gordon McCredie, Drew McIntyre, Provost Robert Stirling, Councillors David Sneller, Jimmy Carmichael and Tommy Farrell.

**CHAIR:** Councillor Jimmy Kelly, Chair.

**CHAIR'S SUB-COMMITTEE**

1. There was submitted and approved, both as a correct record and in respect of recommendations contained therein, the Minutes (circulated) of the Chair's Sub-Committee of 25 July 1996, as shown in the Appendix to these Minutes, with the exception that applications no. 124037 and no. 124027 be re-considered in accordance with the appropriate applicable procedures adopted by the Council for dealing with applicants for housing who had refused two offers of housing accommodation within a period of six months.

**HOUSE LETTING: APPLICANTS WITH TWO REFUSALS (Item 1, Page 1101)**

2. There was submitted a report dated 21 August 1996 (circulated) by the Director of Housing on proposals for dealing, in future, with applicants for housing in the East Ayrshire (North) allocations area who had refused two offers of housing accommodation made to them by the Council within a period of six months.

It was agreed that the East Ayrshire (North) Allocations Policy be amended to provide that, in future, in the event of an applicant for housing refusing two offers of suitable housing accommodation made by the Council within a period of six months, the application concerned shall be suspended for a period of twelve months, unless the Director of Housing determines that extenuating circumstances prevail, the applicant would also to have the right of appeal to the Appeals Sub-Committee of this Committee.

**BENEFITS TAKE-UP CAMPAIGN 1996 (Item 2, Page 875)**

3. There was submitted a joint report (circulated) by the Director of Housing and the Director of Social Work on the outcome of the Council's first "Benefits Take-Up Campaign".

It was agreed to note the terms of the report which, amongst other things, indicated:-

- (i) that, as a direct result of the Campaign, 796 enquiries had been received by the Housing Department, resulting in the issue of 775 Council Tax and Housing Benefit claim forms;
- (ii) that 158 requests had been received for advice from the Social Work Department regarding Department of Social Security benefits;
- (iii) that, as a consequence of the Campaign, an additional £82,000 would be paid out in Benefits during 1996/97 (£32,000 for Council Tax Benefit, and £50,000 for Housing Benefit); and
- (iv) that the total cost of the Campaign, excluding staff costs, was £9,523.

Arising from discussion, it was also agreed to instruct the Director of Housing, on behalf of the Council, to make written representations to the Secretary of State for Social Security advising of the Council's concern at, and opposition to, the proposed withdrawal of the freefone Social Security service which provided general advice and information on those benefits administered by the Benefits Agency.

#### **MEMBER/OFFICER HOUSING WORKING GROUP ON HARMONISATION OF HOUSING ISSUES (Item 4, Page 876)**

4. There were submitted Minutes of the Meetings of the Member/Officer Housing Working Group on Harmonisation of Housing Issues held on 15 May and 20 June 1996.

It was agreed:-

- (i) to note the Minutes of the Meetings of the Working Group; and
- (ii) that the subject of ex gratia payments to tenants in connection with repair and/or improvement works carried out to the houses which they occupy, be considered at the next Meeting of the Working Group.

#### **DRAFT ARREARS CONTROL POLICY AND PROCEDURES**

5. There was submitted a report dated 14 August 1996 (circulated) by the Director of Housing providing details of the Housing Department's Draft Arrears Control Policy and Procedures.

It was agreed to approve the Draft Arrears Control Policy and Procedures as set out in the report.

**ESTABLISHING A HOUSING QUALITY PLAN (Item 5, Page 168, 1995/96)**

6. There was submitted a report dated 9 August 1996 (circulated) by the Director of Housing on progress made by the Housing Department in the development of a Housing Quality Plan.

It was agreed:-

- (i) to note the arrangements made by the Director of Housing to consult widely on the title and content of a quality statement, which would provide a framework for all who worked in, and benefited from, Housing Department services, and to note that the consultation would form the basis of a future report to Committee which would fully outline the Housing Quality Plan;
- (ii) to endorse the principles for quality management in the Housing Service, as set out in the report, and to remit to the Director of Housing the implementation of these principles and associated strategies; and
- (iii) otherwise, to note the terms of the report.

**THE HOUSING DEPARTMENT'S CONTRIBUTION TO EAST AYRSHIRE  
COUNCIL'S CORPORATE STRATEGIES**

7. There was submitted a report dated 21 August 1996 (circulated) by the Director of Housing on the steps being taken to ensure that the Housing Department made an effective contribution to the Council's Corporate Strategies.

It was agreed:-

- (i) to endorse the proposed Housing Action Plans for the Housing Department's contribution to the Council's Corporate Strategies, as set out in the report; and
- (ii) otherwise, to note the terms of the report.

**SCOTTISH OFFICE DEVELOPMENT DEPARTMENT: DRAFT GUIDANCE NOTE  
ON TRANSFERS OF LOCAL AUTHORITY HOUSING STOCK IN SCOTLAND:  
DRAFT COMMENTS**

8. There was submitted a report dated 9 August 1996 (circulated) by the Director of Housing advising of (a) receipt of the draft Guidance Note issued by the Scottish Office Development Department in May 1996 on Transfers of Local Authority Housing Stock in Scotland; and (b) a draft response which had been submitted to the Department on the Guidance Note on behalf of the Council.

It was agreed:-

- (i) to approve the draft response submitted to the Department; and
- (ii) otherwise, to note the terms of the report.

**HOUSING BENEFIT AND COUNCIL TAX BENEFIT REGULATIONS:  
CIRCULARS A9/96 and A17/96**

9. There was submitted a report dated 15 August 1996 (circulated) by the Director of Housing (a) advising of new Housing Benefit Regulations contained within Housing Benefit and Council Tax Benefit Circulars A9/96 and A17/96, which were due to come into force on 7 October 1996; and (b) asking the Committee to consider suggested action by SHELTER for under 25 year old claimants resulting from Circular A9/96.

It was agreed:-

- (i) to note the terms of Circulars A9/96 and A17/96; and
- (ii) to remit to the Director of Housing, as recommended by SHELTER,
  - (a) with immediate effect, in respect of any fresh or renewed claim for Housing Benefit made by any young single person, to set the claimant's next benefit period to expire in the last week of September 1996; and
  - (b) on review of such claims in the last week of September, to set the subsequent benefit period to the maximum permitted period of 60 weeks.

**DEVELOPMENT OF STRATEGIC AGREEMENT WITH SCOTTISH HOMES:  
PROGRESS REPORT**

10. There was submitted a report dated 12 August 1996 (circulated) by the Director of Housing advising of progress being made towards developing a Strategic Agreement with Scottish Homes and outlining information supplied by Scottish Homes on future investment proposals.

It was agreed:-

- (i) to note the terms of the report; and
- (ii) to instruct the Director of Housing, on behalf of the Council, to make written representations to Scottish Homes, requesting that any capital receipts accrued by the Agency, resulting from the disposal of assets within East Ayrshire, be ring fenced for disbursement in respect of projects to be promoted by the Agency within the Council's area.

**IMPLEMENTATION OF SECTION 19 CHILDREN (SCOTLAND) ACT 1995 (LOCAL  
AUTHORITY PLANS FOR SERVICES TO CHILDREN) (Item 1, Page 1085)**

11. There was submitted a joint report dated 15 August 1996 (circulated) by the Directors of Social Work, Education and Housing on the Council's new statutory obligation to prepare a Children's Service Plan for East Ayrshire and advising of the comments made by the Council on the Scottish Office document "Draft Directions and Guidance on Children's Services: Local Authority Planning".

It was agreed, in respect of this Committee's interest:-

- (i) to note the terms of the report;

- (ii) to require Directors of appropriate service Departments to report further on implementation issues as necessary, following publication of the final Directions and Guidance; and
- (iii) to refer the report to the Policy and Resources Committee for consideration.

#### **DISCLOSURE OF SCOTTISH CRIMINAL RECORD INFORMATION**

12. There was submitted a report dated 15 August 1996 (circulated) by the Director of Housing seeking approval for the development of a protocol between East Ayrshire Council and Strathclyde Police governing the disclosure of Scottish Criminal Record Information regarding tenants who had been convicted of serious drug related crimes in Council houses.

It was agreed:-

- (i) to establish a protocol with Strathclyde Police in respect of the disclosure of Scottish Criminal Record Information on the grounds set out in the report; and
- (ii) to approve the Form of Indemnity in favour of the Chief Constable, Strathclyde Police against any negligent, wrongful or improper use of any information obtained under the terms of the protocol, and to authorise signature of the Form by the Director of Housing.

#### **DEMOLITION OF LOCK-UPS AT CRAIGIE PLACE/CAMPBELL PLACE, KILMARNOCK**

13. There was submitted a report dated 21 August 1996 (circulated) by the Director of Housing on the proposed demolition of seven lock-ups at the site at Craigie Place/Campbell Place, Kilmarnock.

It was agreed:-

- (i) that the lock-ups at 21-27 Craigie Place/Campbell Place, Kilmarnock, be demolished, and that the necessary arrangements be remitted to the Director of Housing;
- (ii) that the possible future use of the vacant site be referred to the Kilmarnock South Local Committee for determination; and
- (iii) that consideration of the possibility of erecting a new boundary wall at this site be continued to the next Meeting, pending inspection of the site by the Chair, Vice-Chair and Local Member concerned, the necessary arrangements for the visit to be made by the Director of Housing in consultation with the Members concerned.

#### **CHARTERED INSTITUTE OF HOUSING: ANNUAL CONFERENCE 1996**

14. There was submitted and noted a report dated August 1996 (circulated) by the Director of Housing on the Chartered Institute of Housing Annual Conference 1996 which was held in Harrogate from 11 to 14 June 1996.

#### **EXCLUSION OF PRESS AND PUBLIC**

15. It was agreed that, under Section 50A(4) of the Local Government (Scotland) Act 1973, as amended, the Press and public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 6 of Part 1 of Schedule 7A of the Act.

### **REQUESTS TO POSTPONE DISCOUNT STANDARD SECURITIES**

#### **16.1 REF: TR/94/2974**

There was submitted a report dated June 1996 (circulated) by the Director of Support Services on a request to grant a Deed of Postponement to allow a new Building Society loan to rank before the outstanding balance of the Council's Discount Standard Security relative to a former Council house in the Council's area.

It was agreed to refuse, in terms of Section 72(5)(b) of the Housing (Scotland) Act 1987, to allow the applicant's re-mortgage security to rank prior to the Council's Discount Security.

#### **16.2 REF: TR/94/2946**

There was submitted a report dated 15 August 1996 (circulated) by the Director of Support Services on a request to grant a Deed of Postponement to allow a new Building Society loan to rank before the outstanding balance of the Council's Discount Standard Security relative to a former Council house in the Council's area.

It was agreed to refuse, in terms of Section 72(5)(b) of the Housing (Scotland) Act 1987, to allow the applicant's re-mortgage security to rank prior to the Council's Discount Security.

#### **16.3 REF: TR/94/2909**

There was submitted a report dated 21 August 1996 (circulated) by the Director of Support Services on a request to grant a Deed of Postponement to allow a new lenders loan to rank before the outstanding balance of the Council's Discount Standard Security relative to a former Council house in the Council's area.

It was agreed to refuse, in terms of Section 72(5)(b) of the Housing (Scotland) Act 1987, to allow the applicant's re-mortgage security to rank prior to the Council's Discount Security.

#### **16.4 REF: CONV/HSG/001 (Item 13, Page 879)**

##### **16.4.1 Declaration of interest**

Councillor Macrae declared a non pecuniary interest in the following item, in terms of the National Code of Local Government Conduct, and left the Meeting at this point.

##### **16.4.2 Determination of item**

There was submitted a report dated 19 August 1996 (circulated) by the Director of Support Services on a request to reconsider granting a Deed of Postponement to allow a new Building Society loan to rank before the outstanding balance of the Council's Discount Standard Security relative to a former Council house in the Council's area.

It was agreed, in terms of Standing Order 51, that this matter be not re-considered.

#### **16.5 FUTURE REQUESTS**

Arising from discussion, it was also agreed:-

- (i) that, as a matter of policy, the Council would not allow new loans from lending agencies to rank before the outstanding balance of the Council's Discount Standard Security relative to former Council houses; and
- (ii) in order to ensure that the Council's policy on this matter is made known, to instruct the Director of Support Services:-
  - (a) to issue an appropriately worded circular letter to appropriate lending agencies;
  - (b) to make arrangements for a suitable press release; and
  - (c) to respond appropriately to future requests to allow a proposed new loan to rank before the outstanding balance of the Council's Discount Standard Security in relation to former Council houses.

The meeting terminated at 1455 hours.