



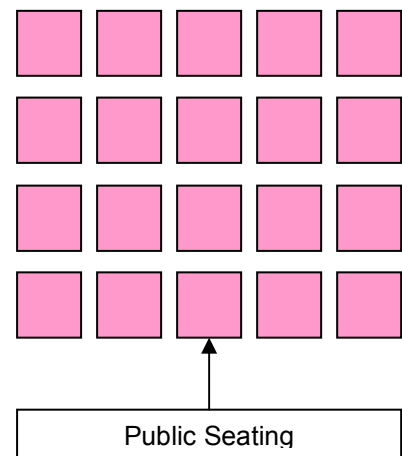
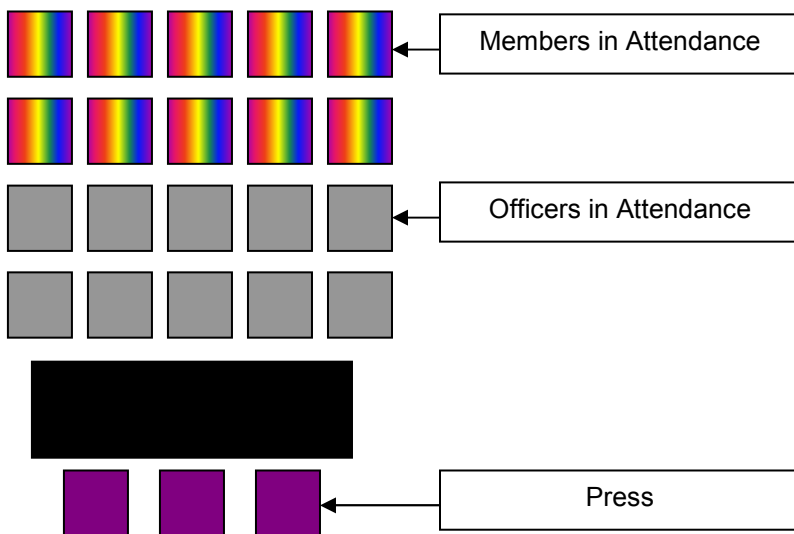
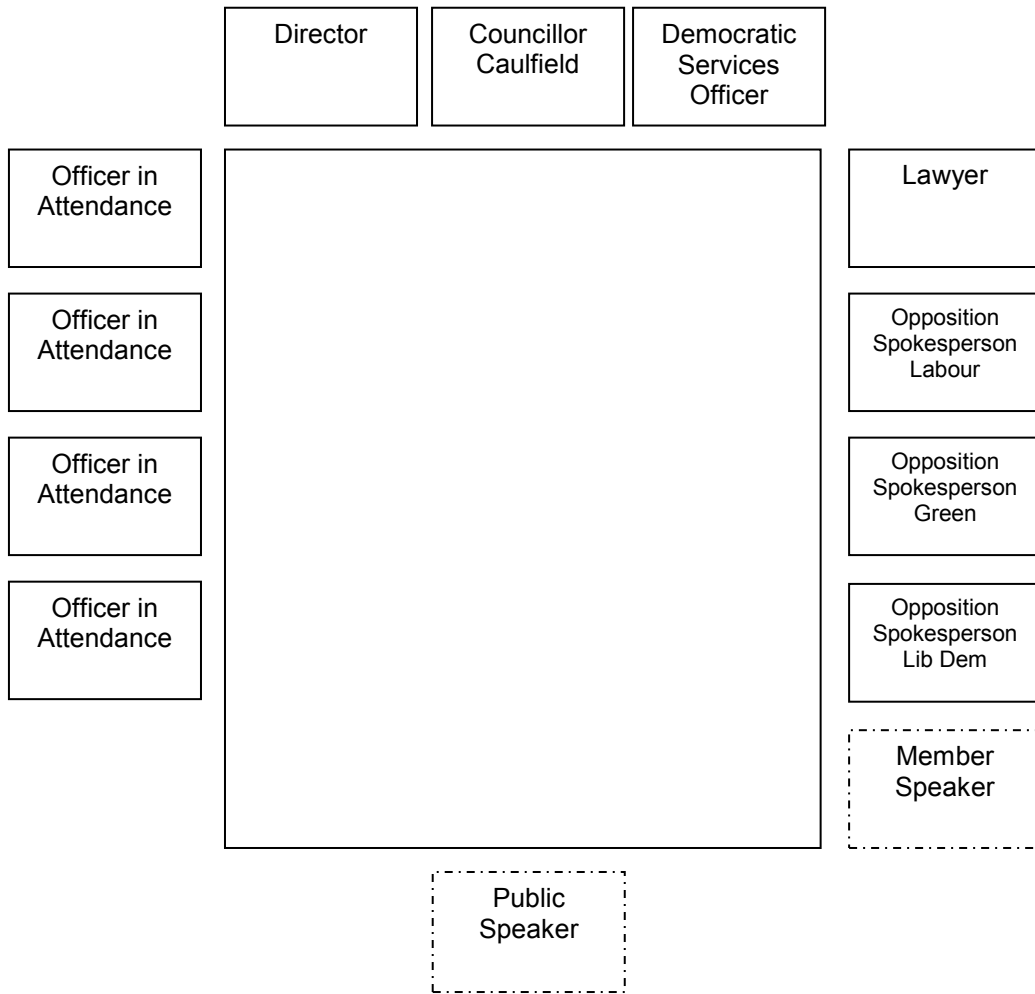
Brighton & Hove
City Council

Cabinet Member Meeting

Title:	Housing Cabinet Member Meeting
Date:	11 November 2009
Time:	4.00pm
Venue	Council Chamber, Hove Town Hall
Members:	Councillor: Caulfield (Cabinet Member)
Contact:	Caroline De Marco Democratic Services Officer 01273 291063 caroline.demarco@brighton-hove.gov.uk

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Democratic Services: Meeting Layout



AGENDA

44. PROCEDURAL BUSINESS

- (a) Declarations of Interest by all Members present of any personal interests in matters on the agenda, the nature of any interest and whether the Members regard the interest as prejudicial under the terms of the Code of Conduct.
- (b) Exclusion of Press and Public - To consider whether, in view of the nature of the business to be transacted, or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

NOTE: Any item appearing in Part 2 of the Agenda states in its heading either that it is confidential or the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the public.

A list and description of the categories of exempt information is available for public inspection at Brighton and Hove Town Halls.

45. MINUTES OF THE PREVIOUS MEETING

1 - 6

Minutes of the Meeting held on 9 September 2009 (copy attached).

46. CABINET MEMBER'S COMMUNICATIONS

47. ITEMS RESERVED FOR DISCUSSION

- (a) Items reserved by the Cabinet Member
- (b) Items reserved by the Opposition Spokespersons
- (c) Items reserved by Members, with the agreement of the Cabinet Member.

NOTE: Public Questions, Written Questions from Councillors, Petitions, Deputations, Letters from Councillors and Notices of Motion will be reserved automatically.

48. PETITIONS

No petitions have been received by the date of publication.

49. PUBLIC QUESTIONS

(The closing date for receipt of public questions is 12 noon on 4 November 2009)

HOUSING CABINET MEMBER MEETING

No public questions have been received by the date of publication.

50. DEPUTATIONS

(The closing date for receipt of deputations is 12 noon on 4 November 2009)

No deputations have been received by the date of publication.

51. LETTERS FROM COUNCILLORS

No letters have been received.

52. WRITTEN QUESTIONS FROM COUNCILLORS

No written questions have been received.

53. NOTICES OF MOTIONS

No Notices of Motion have been referred.

54. MINUTES OF THE ADULT SOCIAL CARE & HOUSING OVERVIEW & SCRUTINY COMMITTEE 7 - 16

Minutes of the meetings held on 3 September and 22 October 2009 (copies attached).

55. MINUTES OF THE HOUSING MANAGEMENT CONSULTATIVE COMMITTEE 17 - 34

Minutes of the meeting held on 12 October 2009 (copy attached).

56. SUSSEX PARTNERSHIP FOUNDATION TRUST (SPFT) CONTRACT 35 - 40

Report of Director of Adult Social Care & Housing (copy attached).

Contact Officer: Denise D'Souza Tel: 29-5032
Ward Affected: All Wards;

57. PROCUREMENT OF CONTRACT FOR THE MANAGEMENT AND MAINTENANCE OF LAUNDRY FACILITIES FOR COUNCIL MANAGED HOMES 41 - 46

Report of Director of Adult Social Care & Housing (copy attached).

Contact Officer: Martin Booty Tel: 01273 293806
Ward Affected: All Wards;

58. LOCAL LETTINGS PLANS- LETTINGS RESTRICTED TO PERSONS OVER 50 YEARS OF AGE AND BUNGALOWS 47 - 54

Report of Director of Adult Social Care & Health (copy attached).

Contact Officer: Helen Clarkmead Tel: 293350
Ward Affected: All Wards;

HOUSING CABINET MEMBER MEETING

- 59. AMENDMENT TO LOCAL LETTINGS PLAN** **55 - 58**
Report of Director of Adult Social Care & Housing (copy attached).
Contact Officer: Helen Clarkmead *Tel:* 293350
Ward Affected: All Wards;
- 60. TERM CONTRACT FOR DISABLED ADAPTATIONS** **59 - 64**
Report of Director Adult Social Care & Health (copy attached).
Contact Officer: Alex Dickie *Tel:* 01273 293293
Ward Affected: All Wards;
- 61. CONTRACT UNIT PERFORMANCE AND MONITORING WORKING AGE ADULT LEARNING DISABILITIES SERVICE, JANUARY TO JUNE 2009** **65 - 72**
Report of Director of Adult Social Care & Housing (copy attached).
Contact Officer: Judith Cooper *Tel:* 01273 296313
Ward Affected: All Wards;
- 62. KEEPING PEOPLE WITH A LEARNING DISABILITY SAFE - SAFEGUARDING REPORT 08/09** **73 - 96**
Report of Director of Adult Social Care & Housing (copy attached).
Contact Officer: Steve Hook *Tel:* 01273 295550
Ward Affected: All Wards;
- 63. WATER HYGIENE CONTRACT** **97 - 102**
Report of Director of Adult Social Care & Housing (copy attached).
Contact Officer: Peter Matthews *Tel:* 01273 293370
Ward Affected: All Wards;

The City Council actively welcomes members of the public and the press to attend its meetings and holds as many of its meetings as possible in public. Provision is also made on the agendas for public questions to committees and details of how questions can be raised can be found on the website and/or on agendas for the meetings.

The closing date for receipt of public questions and deputations for the next meeting is 12 noon on the fifth working day before the meeting.

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Meeting papers can be provided, on request, in large print, in Braille, on audio tape or on disc, or translated into any other language as requested.

For further details and general enquiries about this meeting contact Caroline De Marco, (01273 291063, email caroline.demarco@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk

HOUSING CABINET MEMBER MEETING

Date of Publication - Tuesday, 3 November 2009

BRIGHTON & HOVE CITY COUNCIL

HOUSING CABINET MEMBER MEETING

4.00pm 9 SEPTEMBER 2009

COMMITTEE ROOM 3, HOVE TOWN HALL

MINUTES

Present: Councillor Caulfield (Cabinet Member)

Also in attendance: Councillor Simpson (Opposition Spokesperson – Labour)

PART ONE

30. PROCEDURAL BUSINESS

30 (a) Declarations of Interests

30.1 There were none.

30 (b) Exclusion of Press and Public

30.2 In accordance with section 100A of the Local Government Act 1972 (“the Act”), the Cabinet Member considered whether the press and public should be excluded from the meeting during an item of business on the grounds that it was likely, in view of the business to be transacted or the nature of the proceedings, that if members of the press and public were present during that item, there would be disclosure to them of confidential information (as defined in section 100A(3) of the Act) or exempt information (as defined in section 100I(1) of the Act).

30.3 **RESOLVED** - That the press and public be not excluded from the meeting.

31. MINUTES OF THE PREVIOUS MEETING

31.1 Councillor Simpson referred to Item 29.4 of the minutes which stated that a report on adaptations would be submitted to the next meeting. The Director of Adult Social Care & Housing explained that she had to give her apologies to the Cabinet Member as the paper would not be ready until the November Cabinet Member Meeting.

31.2 **RESOLVED** – That the minutes of the Housing Cabinet Member Meeting held on 17 July 2009 be agreed and signed by the Cabinet Member.

32. CABINET MEMBER'S COMMUNICATIONS

32.1 The Cabinet Member explained that there were no communications to report on this occasion but she would have communications to report to the Housing Management Consultative Committee in October.

33. ITEMS RESERVED FOR DISCUSSION

33.1 **RESOLVED** – All items were reserved for discussion.

34. PETITIONS

34.1 The Cabinet Member considered the following petition signed by 25 people:

“We the undersigned, being residents of Ardingly Court, Brighton, wish to disassociate ourselves from the Ardingly Court & Kebbell Lodge Residents Association in order to seek recognition as a Residents Association representing the interests of Tenants and Leaseholders in Ardingly Court only.”

34.2 The Cabinet Member reported that officers were dealing with this matter and would be responding to the residents accordingly.

34.3 **RESOLVED** – That the petition be noted.

35. PUBLIC QUESTIONS

35.1 There were none.

36. DEPUTATIONS

36.1 There were none.

37. LETTERS FROM COUNCILLORS

37.1 There were none.

38. WRITTEN QUESTIONS FROM COUNCILLORS

38.1 There were none.

39. NOTICES OF MOTIONS

39.1 There were none.

40. MINUTES OF THE ADULT SOCIAL CARE & HEALTH HOUSING OVERVIEW & SCRUTINY COMMITTEE

40.1 The Cabinet Member considered the minutes of the Adult Social Care & Housing Overview & Scrutiny Committee held on the 18 June 2009 (for copy see minute book).

40.2 **RESOLVED** – That the minutes be noted.

41. 12 SHENFIELD WAY - FEEDBACK ON CONSULTATION

41.1 The Cabinet Member considered a report of the Director of Adult Social Care & Housing which detailed the outcome of the consultation process regarding 12 Shenfield Way, a Registered Care Home for people with Learning Disabilities and outlined the options for the future of the service (for copy see minute book).

41.2 Councillor Simpson asked about the timescale for the move to Preston Drive. The Places for Change Manager replied that the move would be completed by the end of November.

41.3 **RESOLVED** – Having considered the information and the reasons set out in the report, the Cabinet Member accepted the following recommendations:

- (1) That the termination of the lease with A2 Dominion Housing Association in respect to 12 Shenfield Way be approved and that the property be transferred back to A2 Dominion Housing Association.
- (2) That the 3 service users who reside at 12 Shenfield Way move to 15 Preston Drive with their existing staff team to ensure that they receive a consistent service.
- (3) That the existing budget from 12 Shenfield Way is transferred to 15 Preston Drive.

42. AMENDMENT TO ALLOCATIONS POLICY

42.1 The Cabinet Member considered a report of the Director of Adult Social Care & Housing which reported that the current Housing Register Allocations Policy was approved by the Cabinet Member for Housing on 11 March 2009. The report requested approval for a further minor amendment in the Housing Register Allocations Policy which would include in Band A employees who are leaving accommodation tied to their employment. This would enable those employees who are no longer required to live in tied accommodation to remain in employment and to be given high priority to successfully bid and enable them to move to alternative accommodation (for copy see minute book).

42.2 **RESOLVED** – Having considered the information and the reasons set out in the report, the Cabinet Member accepted the following recommendation:

- (1) That the amendment to the Allocations Policy be approved.

43. SOCIAL EXCLUSION STRATEGY PILOT

43.1 The Cabinet Member considered a report of the Director of Adult Social Care & Housing which set out the draft Social Exclusion Strategy – “Turning the Tide” (for copy see minute book). The strategy outlined the aims and objectives to address anti-social behaviour, intergenerational social exclusion and quality of life experience for residents in social housing living in areas of multiple deprivation in Brighton and Hove. To do this the strategy adopted a robust parallel approach of support and enforcement in order to “turn the tide” by addressing behaviours that impacted

negatively on individuals, families and the community. The strategy was a work in progress, currently at the second draft stage. Comments/feedback from key stakeholders, partners and council tenants would be sought before presenting a final draft to Cabinet for approval/agreement later this financial year.

- 43.2 The Cabinet Member reported that the pilot would be operated from the Selsfield Road Housing Office and that Stanmer and Hollingdean Ward would be included in the pilot project. The focus would initially be on council tenants but if the model is successful, the council could act as an enabler to social landlords who could adopt this approach. Extending the initiative to other social landlords would not be funded out of council resources.
- 43.3 Councillor Simpson raised the following questions and concerns. She was concerned that the pilot was not fully funded. The cost could be large if it was rolled out across the city although she acknowledged that there would be savings from the benefits it might produce. She considered the pilot period of 9 months was a short time to give an impression of whether the scheme was a success or not. The work would involve intensive work with individuals. She hoped measurable results could be achieved in that time and that the work would not be a duplication of work already being carried out. Councillor Simpson mentioned that there had been some recent incidences involving vulnerable tenants which had been due to a lack of sound insulation. She asked if these issues were being tackled.
- 43.4 The Director of Adult Social Care & Housing explained that some work was already funded and a whole mixture of funding streams would fund the pilot project. If the strategy was successful following the nine months pilot, officers would be looking at resources across the council that could be spent more effectively on this type of work. Meanwhile, officers would meet in a working group to ensure there was no duplication.
- 43.5 The Social Inclusion Manager explained that whilst the strategy needed to be long term the pilot would focus on the short-term measures and identified some 'quick wins' that could make an impact in the nine month timescale. The evaluation of the impact of the pilot would be fed into the final draft of the strategy and influence the longer term aims.
- 43.6 In relation to noise nuisance, the Assistant Director Housing Management stressed that the point of the strategy was to look at problems in the round. Noise nuisance was often due to behavioural problems. There was a need to identify the problems and provide support at the same time as carrying out enforcement and environmental improvements. With regard to sound insulation, there was a specific problem in some blocks. Officers were looking at these blocks in terms of investment programmes.
- 43.7 The Cabinet Member and Councillor Simpson agreed that they would like a report to be submitted to the Housing Management Consultative Committee setting out where there were problems with sound insulation and noise issues.
- 43.8 The Cabinet Member thanked the Social Inclusion Manager and the Head of Housing Needs & Social Inclusion for their work on the strategy. The report would

be submitted to the Housing Management Consultative Committee on 12 October 2009. The Cabinet Member requested that local councillors in Moulsecoomb & Bevendean and Stanmer & Hollingdean be briefed on the strategy.

43.2 **RESOLVED** – Having considered the information and the reasons set out in the report, the Cabinet Member accepted the following recommendations:

- (1) That it be agreed to launch the Turning the Tide Pilot in Moulsecoomb and Bevendean to be lead by Housing Strategy with the relevant staffing resources.
- (2) That a series of tenant/resident focus groups run in the pilot area to look at the key themes and identify priorities for the local community.
- (3) That the financial implications be noted.

The meeting concluded at 4.32pm

Signed

Chair

Dated this

day of

BRIGHTON & HOVE CITY COUNCIL

ADULT SOCIAL CARE & HOUSING OVERVIEW & SCRUTINY COMMITTEE

5.00PM 3 SEPTEMBER 2009

COMMITTEE ROOM 1, BRIGHTON TOWN HALL

MINUTES

Present: Councillors Meadows (Chairman); Wrighton (Deputy Chairman), Allen, Barnett, Janio, Pidgeon, Wells and Randall

Co-opted Members:

PART ONE

15. PROCEDURAL BUSINESS

15A. Declarations of Substitutes

15.1 Councillor Bill Randall announced that he was attending as substitute for Councillor Keith Taylor

15B. Declarations of Interest

15.2 Councillor Geoff Wells and Councillor Bill Randall announced that they sat on the Local Development Vehicle (LDV) and might therefore have to declare a personal interest if the LDV was discussed.

15C. Declarations of Party Whip

15.3 There were none.

15D. Exclusion of Press and Public

15.4 In accordance with section 100A(4) of the Local Government Act 1972, it was considered whether the press and public should be excluded from the meeting during the consideration of any items contained in the agenda, having regard to the nature of the business to be transacted and the nature of the proceedings and the likelihood as to whether, if members of the press and public were present, there would be disclosure to them of confidential or exempt information as defined in section 100I (1) of the said Act.

15.5 RESOLVED – That the press and public be not excluded from the meeting.

16. MINUTES OF THE PREVIOUS MEETING

- 16.1 It was noted that, at the last ASCHOSC meeting, members had resolved to invite a representative of NHS Brighton & Hove to the next committee meeting to answer questions relating to the commissioning of mental health services and the future use of the Nevill Hospital site. No NHS Brighton & Hove officer had in fact been invited to attend the September 03 meeting, and members agreed that this should be arranged for a future date (October 2009).
- 16.2 **RESOLVED** - That the minutes of the meeting held on 18 June 2009 be approved and signed by the Chairman.

17. CHAIRMAN'S COMMUNICATIONS

- 17.1 The Chair noted that an article critical of aspects of the council's housing allocation policy had appeared recently in a local publication, and that she was concerned by the accusations made, which she felt merited a full investigation.
- 17.2 The Chair asked the Director of Adult Social Care and Housing for an update on the progress of the recommendations of the ad hoc panel on students in the community, and was told that the panel report had been considered by the Strategic Housing Partnership, with most recommendations incorporated into the forthcoming student housing strategy.
- 17.3 There was some uncertainty concerning when Cabinet would formally consider the ad hoc panel recommendations (as distinct from considering the completed Student Housing Strategy), and the Director of Adult Social Care and Housing offered to establish when this matter would be considered.
- 17.4 The Chair and the Deputy Chair expressed their dissatisfaction with the time taken for Cabinet to consider the ad hoc panel recommendations in this instance.
- 17.5 The Chair informed members that Brighton & Hove had been successful in obtaining national funding to pilot some aspects of dementia care, and congratulated all those involved in the bidding.

18. PUBLIC QUESTIONS, LETTERS FROM COUNCILLORS AND NOTICES OF MOTION

- 18.1 There were none.

**19. MEMBER TRAINING SESSION ON THE NEW PERFORMANCE ASSESSMENT
FRAMEWORK**

- 19.1 The training session was introduced by Philip Letchfield, Interim Head of Adult Social Care and Performance.
- 19.2 Members asked questions on subjects including relations with the Brighton & Hove Local Involvement Network, relations with city Carers, and public access to inspection reports.

20. PERFORMANCE REPORTS FROM ADULT SOCIAL CARE & FROM HOUSING

20.1 The Interim Head of Adult Social Care (ASC) and Performance explained that, although ASC performance had been scheduled for discussion at this meeting, it in fact made more sense to address the issue at a later date, as the Care Quality Commission is still in the process of assessing much of the relevant performance data.

20.2 Nick Hibberd, Assistant Director, Housing Management, answered questions on Housing Management performance. These included questions relating to the council's door replacement programme; the shift from measuring process to measuring outcomes in terms of Housing Management performance (e.g. assessing tenant satisfaction with repairs rather than just recording how quickly a repair was made); liaison with ASC and health partners when supporting vulnerable tenants; and the rate of non-compliance with gas safety checks.

20.3 Members congratulated Mr Hibberd, and John Austin-Locke (the report author) on the improved performance of Housing Management and on the clear and comprehensive report placed before the committee.

20.4 RESOLVED – That the recommendations be agreed.

21. UPDATE ON GREEN PAPER ON FUNDING SOCIAL CARE

21.1 This item was introduced by Joy Hollister, Director of Adult Social Care and Housing.

21.2 Members stressed how important it was for local people to be involved in these discussions about the future funding of social care and asked the Director of Adult Social Care and Housing to do all she could to ensure that city residents were made aware of the Green Paper and given an opportunity to participate in the debate.

21.2 Members did not wish to submit their opinions as an Overview & Scrutiny committee, preferring to respond to the Green Paper via their political groups or via a formal Council response (it was not clear whether such a response was planned).

21.3 RESOLVED – That the report be noted and a further report prepared for the next ASCHOSC meeting, providing details of developments regarding the Green Paper.

22. DISCUSSION PAPER ON PROPOSED FINANCIAL INCLUSION POLICY

22.1 This item was introduced by Nick Hibberd, Assistant Director, Housing Management.

22.2 Members welcomed the efforts made by the council to support people at risk of financial exclusion. Members were particularly pleased with initiatives to incentivise tenants to pay their rent on time, with 'financial health-checks' and with a scheme to advise tenants about 'doorstep' lenders (and in some instances to help people renegotiate loans with these lenders).

22.3 RESOLVED – That the report be noted.

23. PROGRESS REPORT ON REABLEMENT SCHEME

23.1 Karin Divall, Assistant Director, Adult Social Care, presented this item.

23.2 Members were informed that people who had undergone re-ablement would have their needs assessed annually. People who developed other difficulties could report these problems via the city's Access Point.

23.3 Ann Hagan, General Manager, ASC, told members that there were longstanding issues in running evening care services due to difficulties in recruiting and retaining staff willing to work these hours. The city commissioners were working to solve this problem.

23.4 RESOLVED – That the report be noted.

24. LEARNING DISABILITY PARTNERSHIP BOARD ACTION PLAN

24.1 This item was introduced by Diana Bernhardt, Head of Supported Housing.

24.2 In answer to questions concerning the planned Learning Disability (LD) Register, members were told that the register would be voluntary and would seek to list current and potential service users (including people who had a LD but who might not achieve the eligibility threshold for receiving support). Negotiation was ongoing regarding which local partner should host the register.

24.3 The Chair stated that she believed the Learning Disability Partnership Board should be commended for its recent work.

24.4 RESOLVED – That the report be noted.

25. ITEMS TO GO FORWARD TO CABINET OR THE RELEVANT CABINET MEMBER MEETING

25.1 There were none.

26. ITEMS TO GO FORWARD TO COUNCIL

26.1 There were none.

The meeting concluded at Time Not Specified

Signed

Chair

Dated this

day of

BRIGHTON & HOVE CITY COUNCIL

ADULT SOCIAL CARE & HOUSING OVERVIEW & SCRUTINY COMMITTEE

4.00PM 22 OCTOBER 2009

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Meadows (Chairman); Wrighton (Deputy Chairman), Allen, Barnett, Taylor and Cobb

Co-opted Members:

PART ONE

27. PROCEDURAL BUSINESS

27A. Declarations of Substitutes

27.1 Councillor Denise Cobb announced that she was attending as substitute for Councillor Geoff Wells

27B. Declarations of Interest

27.2 There were none.

27C. Declarations of Party Whip

27.3 There were none.

27D. Exclusion of Press and Public

27.4 In accordance with section 100A(4) of the Local Government Act 1972, it was considered whether the press and public should be excluded from the meeting during the consideration of any items contained in the agenda, having regard to the nature of the business to be transacted and the nature of the proceedings and the likelihood as to whether, if members of the press and public were present, there would be disclosure to them of confidential or exempt information as defined in section 100I (1) of the said Act.

27.5 RESOLVED – That the press and public be not excluded from the meeting.

28. MINUTES OF THE PREVIOUS MEETING

- 28.1 RESOLVED** - That the minutes of the meeting held on 18 June 2009 be approved and signed by the Chairman.

29. CHAIRMAN'S COMMUNICATIONS

- 29.1 The Chair told members that the Director of Adult Social Care and Housing and the Director of Community Care were unable to attend this meeting because they were attending a national conference.
- 29.2 The Chair informed members that she anticipated that the council's Cabinet would be re-considering the recommendations of the ad hoc panel on students in the community at its November meeting.
- 29.3 The Chair announced that a working planning meeting was required to set the ASCHOSC agenda for coming months. This will be arranged in the near future.

30. PUBLIC QUESTIONS

- 30.1 There were none.

31. LETTERS FROM COUNCILLORS AND NOTICES OF MOTION

- 31.1 Councillor Christine Simpson presented her letter to the committee (see item in agenda). As well as the points made in her letter, Councillor Simpson raised an additional matter: whether changes to the way in which housing repairs are undertaken had been adequately communicated to the council's tenants?
- 31.2 Nick Hibberd, Assistant Director of Housing Management, and David Gray, Head of Repairs, answered members' queries. Mr Hibberd told members that, despite confusing reports in the local media, there had in fact been no change in policy. Contrary to media reports, there was also no crisis in terms of the repairs budget. Of the £31 million annual budget, some £11.4 million had been spent to date, with a further £5.7 million committed. This meant that approximately £13.9 million remained to be spent on in-year repair work., made up of £9 million capital and £4.9 million revenue.
- 31.3 Mr Hibberd stated that there had been some changes made to introduce improved budget management controls. These changes were made to improve the balance between responsive repairs and the capital programme, both to meet good practice recommended by the Audit Commission and to prepare the 3-year capital programme for the new Mears contract. In addition, the improved budget management controls will help to manage some budget pressures that have been identified in both the responsive repairs and voids budgets. This change has resulted in some non priority works being incorporated into the council's Planned Maintenance programme rather than being dealt with as responsive repairs, in line with best practice. However, all Health & Safety repairs and all works covered by Right To Repair continue to be carried out in accordance with the timescales detailed in the Tenant's Handbook.

- 31.4 Mr Gray told members that no Health & Safety repairs had been 'put off' until the next financial year, other than those non-priority repairs falling outside the council's Right To Repair obligations which had been assigned to the Planned Maintenance programme.
- 31.5 The Chair expressed concern that ward Councillors had not been appraised of changes to the repairs regime. Mr Hibberd apologised if Councillors had not received all the information they required, but reiterated that there had been no significant change of policy to communicate, but rather an inaccurate media report which had created unnecessary anxiety. Mr Hibberd offered to write to all Councillors setting out the true position with regard to repairs.
- 31.6 The Chair thanked Mr Hibberd for his offer, and members agreed that this issue should be considered for inclusion in the committee's work programme, but should not, at this time, be advanced via an ad hoc panel.

32. MEMBER TRAINING SESSION ON THE RESOURCE ALLOCATION SYSTEM

- 32.1 This item was introduced by Laura Scott Smith, Performance and Development Officer, and Gemma Lockwood, Performance and Development Officer.
- 32.2 Members asked questions on aspects of the resource allocation system (RAS) including the percentage of people expected to opt to manage their own care budgets; how clients are supported in applying to the RAS; and whether people opting not to manage their own budgets will receive fewer resources.
- 32.3 Ms Scott Smith and Ms Lockwood were thanked for their presentation.

33. MENTAL HEALTH SERVICES AND COMMISSIONING STRATEGY

- 33.1 Richard Ford, Commercial Director of the Sussex Partnership NHS Foundation Trust (SPFT), and Jane Simmons, Head of Partnerships and Public Engagement at NHS Brighton & Hove (NHSBH), answered members' questions on plans to reconfigure mental health services for city residents.
- 33.2 Mr Ford told members that a major re-design of the mental health services provided across Sussex by SPFT was underway. This initiative is called "Better By Design", and involves SPFT working closely with the four Sussex Primary Care Trusts, including NHSBH. Better By Design is driven by the need to innovate in order to improve services and also by the need to achieve value for money, particularly given the current economic outlook.
- 33.3 Better By Design will look at every aspect of mental health services provided by SPFT:
- In terms of community services, the aim is to ensure that these services are effectively aligned with primary healthcare (e.g. GP surgeries); that the totality of mental health services are centred upon community care, rather than community services being 'bolted on' to a pre-existing mental health system (as is currently often the case); and that community services are able to deliver a Sussex-wide target of four weeks from presentation to assessment/treatment by Community Mental Health Teams (CMHTs).

- In terms of day hospitals, the aim is to ensure that these services are responsive to user needs. (Currently, these facilities tend to be available Monday to Friday 9-5, whereas demand tends to be highest out of hours and at weekends.)
- In terms of specialist services, the aim is to develop Sussex capacity to deal with conditions such as eating disorders, substance misuse and personality disorders; to significantly increase the number of county in-patient beds for people with Learning Disabilities; and to significantly increase the capacity of county secure and forensic services. It will not be possible to duplicate these specialist services at locations across Sussex, so patients may have to travel to access these facilities (although many journeys will be shorter than they currently are, as significant numbers of Sussex residents currently receive specialist treatment outside the county).
- In terms of residential services (e.g. for people with young onset dementia or Korsakoff's syndrome), the aim is to encourage individualisation of care, giving clients and their families and carers more say in their own treatment.
- In terms of general in-patient services, the aim is to reduce county acute beds by 100 or so, as Sussex is, relatively speaking, over-supplied with mental health acute beds, and could do more to encourage treatment in the community. Both working age and older people's beds are expected to be reduced.

33.4 Members learnt that, as yet, there were no detailed plans to implement this initiative, as much of the work thus far had involved working out how to weigh matters such as cost, access and quality of service when making reconfiguration decisions, rather than on discussion of what the actual reconfiguration might look like on the ground.

33.5 Ms Simmons told members that there had already been considerable discussion with service users, carers etc. in relation to the Working Age Mental Health Strategy, and that the developed reconfiguration plans would go out to public consultation in due course.

33.5 Both Mr Ford and Ms Simmons offered to meet with members on either a formal or an informal basis to discuss their plans to develop city mental health services.

33.6 Mr Ford and Ms Simmons were thanked for their contribution.

34. SOCIAL CARE GREEN PAPER

34.1 Discussion of this item was postponed until a later meeting.

35. DECENT HOMES

35.1 This item was introduced by Nick Hibberd, Assistant Director, Housing Management. Mr Hibberd and Jugal Sharma, Assistant Director, Housing Strategy, answered members' questions.

35.2 Mr Hibberd told members that he was confident of reaching this year's target for bringing homes up to a decent standard.

- 35.3 In answer to questions regarding the Local Delivery Vehicle (LDV), Mr Sharma told members that a board to manage and a company to host the LDV had been set up, negotiations with potential financiers were at an advanced stage and negotiations with the Department of Communities and Local Government were continuing. The council has developed a 'plan B' should its original LDV scheme not receive Government approval, and is confident that this scheme can be implemented.
- 35.4 In response to a question as to whether the LDV was still required given the good progress in meeting the Decent Homes standard, Mr Hibberd told the committee that the LDV was part of the strategy for meeting the shortfall in investment required to bring all the housing stock up to Decent Homes standard, and was therefore still needed.

36. ANNUAL SAFEGUARDING REPORT

- 36.1 This item was introduced by Martin Farrelly, General Manager, Community Assessment, and Michelle Jenkins, Safeguarding Adults Manager.
- 36.2 Members noted that the report they had received was clearly a rough draft and was not of satisfactory quality; the material tabled should have been better presented and contextualised.
- 36.3 Mr Farrelly offered to try and get the figures presented in the Safeguarding report broken down by council ward.
- 36.4 Mr Farrelly and Ms Jenkins answered questions on matters including: the risks posed by direct payment, and the recourse available for people directly employing carers who fail to deliver according to their contracts.

36.5 RESOLVED – That the report be noted.

37. ITEMS TO GO FORWARD TO CABINET OR THE RELEVANT CABINET MEMBER MEETING

- 37.1 There were none.

38. ITEMS TO GO FORWARD TO COUNCIL

- 38.1 There were none.

The meeting concluded at 6.15pm.

Signed

Chair

Dated this

day of

BRIGHTON & HOVE CITY COUNCIL

HOUSING MANAGEMENT CONSULTATIVE COMMITTEE

3.00pm 12 OCTOBER 2009

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Caulfield (Chairman); Carden, Davey, Oxley, Randall, Simpson (Opposition Spokesperson), Simson and Wells

Tenant Representatives: Stewart Gover (North & East Area Housing Management Panel), Ted Harman (Brighton East Area Housing Management Panel), Heather Hayes (North & East Area Housing Management Panel), Chris Kift (Central Area Housing Management Panel), Pat Miles (West Hove & Portslade Area Housing Management Panel), David Murtagh (Brighton East Area Housing Management Panel), Beryl Snelling (Central Area Housing Management Panel), Beverley Weaver (West Hove & Portslade Area Housing Management Panel), Muriel Briault (Leaseholder Action Group), Tom Whiting (Sheltered Housing Action Group) and John Melson (Hi Rise Action Group)

In attendance: Faith Matyszak and Linda King.

PART ONE

16. PROCEDURAL BUSINESS

16A Declarations of Substitute Members

- 16.1 Councillor Simson substituted for Councillor Mary Mears. Councillor Brian Oxley substituted for Councillor Pidgeon. Councillor Randall substituted for Councillor Fryer.
- 16.2 Jean Davis informed the Committee that she was in attendance to support Beryl Snelling.

16B Declarations of Interests

- 16.3 Councillors Randall, Simpson and Wells, Ted Harman and Heather Hayes declared a personal interest in agenda item 25 as they are Board Members of Brighton and Hove Seaside Community Homes (the Local Delivery Vehicle).

16C Exclusion of the Press and Public

16.4 In accordance with section 100A(4) of the Local Government Act 1972, it was considered whether the press and public should be excluded from the meeting during the consideration of any items contained in the agenda, having regard to the nature of the business to be transacted and the nature of the proceedings and the likelihood as to whether, if members of the press and public were present, there would be disclosure to them of confidential or exempt information as defined in section 100I (1) of the said Act.

16.5 **RESOLVED** - That the press and public be not excluded from the meeting.

17. MINUTES OF THE PREVIOUS MEETING

17.1 John Melson referred to paragraph 10.4. His main point had been that the scaffolders on site were using racist and homophobic language and that the council had taken strong affirmative action which had led to the dismissal of a worker.

17.2 The Interim Head of Repairs reported that he had met with the Managing Director of the scaffolding firm who had dismissed a member of staff as a result of the incident. He had been assured that there would be no re-occurrence of this behaviour.

17.3 **RESOLVED** – That the minutes of the meeting held on 22 June 2009 be approved and signed by the Chairman.

18. CHAIRMAN'S COMMUNICATIONS

18.1 The Chairman reported that it had been confirmed at full Council that there was £14 million in the budget for repairs. Next year there would be a full budget for kitchens and bathrooms. It was not true that the council had run out of money for repairs.

19. CALLOVER

19.1 The Chairman asked the Committee to consider which items listed on the agenda it wished to debate and determine in full.

19.2 **RESOLVED** - That item numbers 25, 28, 31, 32 and 34 be reserved for debate and determination.

20. PETITIONS

20.1 The Chairman noted that no petitions had been submitted for the meeting.

21. PUBLIC QUESTIONS

21.1 John Melson had submitted the following question.

Surrender of Secure Tenancies as a condition of Addiction Rehabilitation

“A concern is raised by the above policy.

Once the Rehabilitation and Aftercare course is completed successfully why aren't the clients passported seamlessly to a new Secure Tenancy at the end of the process without the need to go through Homemove?

The security engendered by a Secure Tenancy may be a major factor in a client's ability to undertake the rehabilitation process successfully and to undermine that by putting them back into Temporary accommodation may be a contributory cause of relapse into the former, or alternative, addiction.

It appears to be a negative approach to pursue such a policy, with a potential for wastage of the time and funding already invested in the client and a potential for future loss of the client, the funding and the time involved.

Can this matter be brought as an Agenda item for discussion to HMCC please?"

21.2 The Cabinet Member gave the following response:

Policy where a secure council tenant relinquishes their tenancy to enter residential rehabilitation.

"Clarification has been requested in respect of the council's policy where a secure tenant surrenders their tenancy in order to enter residential rehabilitation treatment.

An enquiry has been received suggesting that, once the Rehabilitation and Aftercare course is completed successfully, former secure tenants be allocated a secure tenancy without the need to go through the Allocations Policy.

It has been suggested that, in requiring the recovered addict to use the choice based lettings scheme, and possibly move to temporary accommodation whilst waiting for a bid to be successful, may deter tenants from seeking residential rehabilitation treatment. It is further suggested that treatment may be undermined by an unsettled period in temporary accommodation that may be a contributory cause of relapse into the former, or alternative, addiction.

The enquirer suggested that they feel the council's current policy is negative, with a potential risk to the time and funding already invested in the former tenant.

Legal Position

Under Section 167 (8) of the Housing Act 1996, the Council is prohibited from allocating accommodation unless it is in accordance with its allocation policy. All accommodation therefore has to be allocated as per policy and we are not legally able to take properties out of Choice Based Lettings and allocate them outside of policy.

The council's allocation policy does address the issue of tenants surrendering their tenancy to undergo rehabilitation with the expectation of rehousing on completion of the programme:

Such former tenants attract priority band B;

- *Ex-tenants returning from institutions e.g.: rehabilitation - where a prior commitment has been made in order to secure the relinquishment of a council or HA tenancy on entering the institution.*

Background

The current position in relation to issue of tenants requiring rehabilitation and after care for Substance Misuse issues is a complex one for the individual, the Council and often local residents. As the Council is unable to fetter its discretion (i.e. have a blanket policy) this issue is normally dealt with on a case by case basis to suit the individual needs of those involved. Rehabilitation is not exclusively addiction related – a tenant may need residential rehabilitation after, for example, a stroke or back injury.

Rehabilitation and after care services are provided in the City by a number of agencies in both the voluntary and statutory sectors. Rehabilitation or ‘Detox’ as it is often informally referred to can be provided in either a community, residential or hospital setting and this is determined by professionals based upon their assessment of individual need.

Each of the routes to these settings is different and are governed by the assessment process of the provider and none of these referral routes insist on the surrender of a tenancy for treatment to be provided.

A consideration on the surrender of a tenancy may occur in a number of circumstances and normally fall into the following categories.

- Housing Benefit payment
- Anti Social Behaviour either by the tenant influenced by their addiction, and the need for the tenant to have a ‘fresh start’
- The need to move away from former associates
- After care issues if the property does not meet the tenant’s housing needs.
- Making best use of the council’s stock; in an area of high unmet housing need, it is not desirable for flats to remain empty for long periods whilst the tenant is away for rehabilitation.

Housing Benefit entitlement is often an issue for people entering into rehabilitation services. In general there are rules that allow a person to claim housing benefit if they are away from their home in specific reasons. Someone entering rehabilitation in a hospital setting, and where there is no charge to pay for the rehabilitation, would normally be entitled to payment for a period of 52 weeks.

For those individuals that are entering into a residential setting that is not as a hospital inpatient, provided by a voluntary sector organisation such as Brighton Housing Trust (BHT) or the Crime Reduction Initiative (CRI) or someone placed in an after care setting there is a requirement of the person to pay rent for their stay in this accommodation and as such different rules apply. If a person holds a tenancy they can only claim under the “Two homes rule” and this rule unfortunately does not cover periods that a person needs to be in rehabilitation setting for the purpose of detoxification. Even if a person were to be covered under this rule there are time limits that would not cover the sometimes

extended periods that a person needs to be in the residential or aftercare setting. In these circumstances, it is often beneficial for the tenant to surrender the tenancy to ensure that rent arrears do not build up on the tenancy and thus leading to action by the Council to end the tenancy and making it difficult for the person to become a tenant in the future.

It is however often the case, but not always, that the lifestyle of the individual is chaotic and can involve other tenancy related issues such as rent arrears or anti social behaviour towards other residents in the locality. A person with substance misuse is often known to the Council because of anti social behaviour from their tenancy and in these cases the professionals involved will seek resolution to the issues and will seek a solution that will benefit the tenant and other residents. This solution can often be in the agreed surrender of the person's tenancy so that they are able to move into rehabilitation and aftercare services and this can often lead to a person accessing supported accommodation.

It is not always suitable, or desirable for a person to return to their former home. This may be because of previous anti social behaviour or that they need additional support. The environment may have contributed to developing substance misuse in the first instance, locality, isolation or harassment being a few possible factors. In these circumstances, it is either necessary or advisable for the tenant to surrender their tenancy.

It should be stressed that a tenant is always advised to seek an independent legal advice before this step is taken."

21.3 Mr Melson commented that he was happy with the above reply.

21.4 Tom Whiting had had submitted the following question.

This is a question to the Housing Management Consultative Committee concerning a further provision to Agenda item 13 of 22nd June 2009, *Local Lettings Plan for Sheltered Housing*, at clause 3.5 "*Prevention of Anti-Social Behaviour, Risk management and Meeting Support Needs in Sheltered Housing*".

The kind of difficulties that have been identified regarding existing Sheltered tenants or tenants newly arrived are not addressed by the regulation referred to above. This will continue to cause grave problems unless addressed at a policy level. In the absence of such prescribed procedures, expediency can lead to inappropriate decisions that cause problems to the sheltered scheme community as a whole while also failing to address the core of the issue for individuals who have developing or recurrent difficulties.

"We are now asking if additional wording can be included in the regulation to read:

Where the inability to meet support needs of any kind poses a risk to the health, safety, security and welfare of other residents, positive action should be taken to re-house individuals concerned more appropriately?"

21.5 The Cabinet Member gave the following response:

Sheltered tenants with high support needs

"The new pre assessment process will help ensure people moving to sheltered housing for the first time do not have support needs that cannot be met within a sheltered housing setting.

However, people's support needs do change over time. There are some existing tenants with high support needs whose behaviour sometimes disturbs other residents.

Where this behaviour may be viewed as eccentric but does not pose a risk to residents, the Scheme Manager will work with the tenant in order to help give them insight into how they are perceived by others, and with their neighbours to offer reassurance.

Within a sheltered housing environment, it is inevitable that some residents will develop dementia. Some people experience mental health problems which may cause behaviour that worries neighbours and can create safety risks within a scheme.

Sheltered housing is funded as supported housing, and as such we expect to provide a certain degree of support for residents. Some people require very little support, whilst other people have very complex needs. An individual's support needs change over time, and in most instances we are able to arrange care packages to accommodate this within the scheme.

The Assistant Director of Adult Social Care, Karin Divall, is very positive about improving links with sheltered housing and states:

"In Adult Social Care, our experience is that relatively few people living in sheltered housing have care provided through our services, and we would like to see more people supported effectively by social care so that they can remain living in their own home rather than have to move on to residential care. This fits well with Personalisation and the changes we are making within Adult Social Care.

In particular it would be good to see staff in housing services referring people via our Access Point into our reablement services which work intensively with people for up to six weeks in order to improve their independence. This can include people whose needs have increased, who have had a crisis, a spell in hospital or suffered bereavement.

Extra Care Housing also provides an increased level of care and support which provides a level of independence to people who would otherwise need to go into residential care. We are currently working with colleagues in housing to include Extra Care Housing within the Choice Based Lettings framework."

An important part of scheme manager role is to assess a resident's support needs and to ensure that they have a personalised support plan that sets out how these needs will be addressed. This is reviewed at least annually and sooner if an older person's needs change, for example, if they suffer a major life change such as a family bereavement or serious illness.

Where appropriate, the scheme manager's assessment and support planning process is undertaken in co-operation with other key agencies such as adult social care and health. This ensures a more joined-up and holistic approach to a resident's support, especially important where they have (or develop) higher or more complex support needs. As well as a personalised support plan, each sheltered resident should have a 'personal record'

in which these important records from different care and support agencies can be saved. The support planning process enables older people in sheltered housing to live independently.

Of course, for some residents, their needs will be such that sheltered housing can no longer meet all their needs and our scheme managers work closely with other agencies to ensure that they do move-on to appropriate accommodation. In 2008/9 102 residents left the council's sheltered housing schemes – 8 of those moved to a different supported housing service, 16 moved to a nursing/care home and 2 left for long term hospital/hospice care.”

21.6 Ted Harman asked the following question.

“At Robert Lodge, residents who are already in situ are already over 50 + and mostly are considerate of not creating noise nuisance, and would like to know what the council is prepared to do to ensure that they are not disturbed by noise from younger tenants. Is there likely to be insulation against noise done to prevent this? Is the tenancy agreement going to be strongly upheld by Housing Officers?”

21.7 The Cabinet Member informed Mr Harman that this matter could be discussed under item 32, in the meantime she asked the Interim Head of Repairs to comment.

21.8 The Interim Head of Repairs reported that there were several things that could be done. The property could be surveyed to see where noise was coming from. A decision could then be taken about what action to take. There was a five year rolling programme, and noise insulation could be included in the programme.

21.9 The Assistant Director, Housing Management reported that in terms of tenancy agreements, part of the Turning the Tide pilot was about enforcement and support. He suggested that Robert Lodge be used as a case study in relation to noise nuisance.

21.10 Councillor Simpson mentioned that she had raised the problem of noise in flats due to a lack of sound insulation at the last Housing Cabinet Member Meeting. She suggested that the Committee received a report on this issue at a future meeting.

21.11 The Chairman confirmed that a report would be submitted to the next meeting.

21.12 Stewart Gover asked if the Chairman had received his letter regarding Ainsworth House. The Chairman replied that she had not received it but would ensure Mr Gover received a written response. The Assistant Director Housing Management explained that four residents were left in Ainsworth House. Some were waiting to go to new properties and others were waiting to bid.

21.13 The Chairman asked new members to write to her or the Democratic Services Officer if they had questions to ask at future meetings.

22. DEPUTATIONS

22.1 The Chairman noted that no deputations had been submitted for the meeting.

23. LETTERS FROM COUNCILLORS

23.1 The Chairman noted that no letters from councillors had been submitted for the meeting.

24. WRITTEN QUESTIONS FROM COUNCILLORS

24.1 The Chairman noted that no written questions from councillors had been submitted for the meeting.

25. USE OF GENERAL CONSENTS TO LEASE PROPERTIES TO BRIGHTON & HOVE SEASIDE COMMUNITIES HOMES

- 25.1 The Committee considered an extract of the proceedings of the Cabinet held on 17 September 2009 and a report of the Director of Adult Social Care & Housing (for copy see minute book). Cabinet had agreed to consultation with the Housing Management Consultative Committee and the Brighton & Hove Seaside Community Homes on exploring the potential use of an alternative means of achieving consent to lease up to 499 empty Housing Revenue Account properties from Brighton & Hove City Council to Brighton & Hove Seaside Community Homes.
- 25.2 The Committee received a presentation with slides from the Head of Housing Strategy and Development and Private Sector Housing.
- 25.3 John Melson queried why leaseback was being considered. The Head of Housing Strategy and Development and Private Sector Housing explained that it was a way of maximising income, by using different housing benefit mechanisms. It did not affect nominees.
- 25.4 Councillor Davey asked if all 499 properties would be allocated to people with special needs. He was informed that the properties would be allocated to temporary accommodation tenants. The term special needs was broad and covered people the council needed to house. Many had special medical needs or drug or alcohol problems.
- 25.5 Stewart Gover informed the Committee that he was totally in favour of the project. The housing being renovated by the LDV was in a dilapidated state and would be worth more when the work was finished. He asked if leaseback took account of the additional value. The Chairman replied that some empty voids were marked for the housing company and this issue would be carefully considered. The LDV was a way of maximising property.
- 25.6 Councillor Oxley referred to the letter sent to the Department for Communities & Local Government dated 25 June 2009. He asked if the measures set out in the paragraph on Tackling Worklessness would still be in place. The Director of Adult Social Care & Housing confirmed that these measures were still in place.
- 25.7 John Melson asked if 25% was too high a figure for getting people back to work. This would have a knock on effect. The Assistant Director Housing Management replied that reforms to Local Letting Plans were agreed at the last Housing Management

Consultative Committee. A small number of households had come forward. 25% was not too high. The Chairman reported that an advert was placed in HomeLink magazine last week. The results would be brought back to HMCC.

- 25.8 Beryl Snelling asked if it was known who would loan money for projects. The Chairman replied that a major high street bank was interested and the council was waiting for consent.
- 25.9 The Chairman explained that the reason that the report was before the Committee was to obtain a general feeling from tenants that they were happy to proceed as suggested. If plan A was unable to proceed, would tenants be happy too proceed with Plan B?
- 25.10 The Committee took an indicative vote on the recommendations and there was unanimous support for the proposals outlined in the report.
- 25.11 **RESOLVED** - (1) That the Committee unanimously support the use of general consent A54.1 of the General Housing Consents 2005 to lease to Brighton and Hove Seaside Community Homes the 106 Housing Revenue Account (HRA) dwellings approved for leasing by Full Council on 9 October 2008 and such other Housing Revenue Account dwellings (up to a maximum of 499 in total, including the 106 properties) within a five year period that satisfy the criteria previously agreed by Cabinet and Council.
- (2) That the delegation of power by Cabinet and Council (24 September 2008 & 9 October 2008 respectively) to make decisions on the inclusion of individual properties to the Director of Adult Social Care and Housing, in consultation with the Cabinet Member for Housing, be noted.
- (3) That it is noted that Cabinet agreed that the powers already delegated are confirmed and, for the avoidance of doubt, the Director of Adult Social Care & Housing, after consultation with the Cabinet Member for Housing, have been authorised to take all steps necessary, incidental or conducive, to the achievement and implementation of the proposals in resolution (1) above.
- (4) That it is noted that Cabinet agreed that the issue regarding funding options and any decision associated with that remain delegated to the Cabinet Committee consisting of the Leader, the Cabinet Member for Housing and the Cabinet Member for Finance.

26. HOUSING REVENUE ACCOUNT 2008/09 FINAL OUTTURN AND FORECAST OUTTURN FOR 2008/09 AS AT MONTH 4

- 26.1 The Committee considered a report of the Director of Adult Social Care & Housing which informed the meeting of the Housing Revenue Account (HRA) 2008/09 final outturn and the forecast outturn for 2009/10 as at month 4 (copy attached).
- 26.2 **RESOLVED** – (1) That it be noted that the final outturn for the HRA for 2008/09 was an underspending of £0.445 million compared to the budgeted deficit of £0.250 million. This represents a variance of 0.95% of the gross revenue budget of £47 million. General HRA revenue reserves have reduced by £1.747 million to £3.902 million as at 31 March 2009.

- (2) That it is noted that the forecast position for 2009/10 as at Month 4, is an overspend of £0.089 million.

27. HOUSING STRATEGY 2009-2014: HEALTHY HOMES, HEALTHY LIVES, HEALTHY CITY

27.1 The Committee considered a report of the Director of Adult Social Care & Housing which summarised the development of the city's LGBT (Lesbian, Gay, Bisexual and Trans) communities and sought the endorsement of the strategies (for copy see minute book).

27.2 **RESOLVED** – That, having considered the information and the reasons set out in the report, the Housing Management Consultative Committee recommend to Cabinet that:

- (1) That the Housing Strategy 2009-2014; healthy homes, healthy lives, healthy city and related sub-strategies, the Older People's Housing Strategy 2009-2014 and the LGBT People's Housing Strategy 2009-2014 be endorsed.
- (2) That the extensive good practice and stakeholder engagement demonstrated during the development of these strategies be recognised.
- (3) That it be recognised that minor changes may be made to these strategies during their approval process to ensure they reflect the latest national and local strategic context. Significant changes would require Director approval.

28. GROUNDS MAINTENANCE REVIEW

28.1 The Committee considered a report of the Director of Adult Social Care & Housing which proposed a review of the current grounds maintenance arrangements with the aim of creating quality spaces in which people want to live and could be proud, and which others would respect (for copy see minute book). It was proposed to work with the Estate Service Monitoring Group to bring recommendations on future delivery of the grounds maintenance service on housing management land.

28.2 The Housing Manager informed the Committee that the council was looking for increased value for money and was keen to establish a working group within the next few months. The Chairman explained that as the review was progressing, suggestions would be welcome.

28.3 John Melson suggested that the working group could tour sites and carry out an audit of what was required by each block. This audit would be carried out in conjunction with the Estate Service Monitoring Group. The Housing Manager agreed that this suggestion would be essential. This would make the review very local and enable residents to have their say on the maintenance of gardens.

28.4 Councillor Davey liked the idea of growing fruit and having allotments. He stressed the need for dedicated tenant engagement.

- 28.5 Chris Kift informed the Committee that many tenants wanted to tend their patches of ground. It was important that these areas of land remained. The Chairman suggested that a map was needed which showed who tended which particular areas of land. If a tenant group wanted to take over an area of land they could be rewarded in some way.
- 28.6 Councillor Simpson welcomed the review, especially looking at areas not covered by the current contract. She referred to the scheme termed as "conservation". She was concerned that "conservation" areas in parks were often left to become areas of long grass and undergrowth. They became depositors of rubbish, with fly tipping dumped. This aspect needed investigation.
- 28.7 Councillor Simson made the point that some houses had been sold under the right to buy. There was a need to include the areas around those houses. The Chairman reported that if tenants took over some areas of land then the areas around the houses bought under right to buy could be included as well.
- 28.8 The Housing Manager reported that it was proposed to widen the review to include tenants associations.
- 28.9 Ted Harman asked if tree maintenance would be included in the review. The Housing Manager referred to paragraph 5.1 of the report. There was a separate budget for tree maintenance. This work could be investigated and prioritised.
- 28.10 John Melson made the point that there was a need to investigate which parks were on housing owned land and which parks were the responsibility of City Parks. The Chairman concurred.
- 28.11 Chris Kift stressed the importance of every tree in Central Area. They needed to be protected and maintained.
- 28.12 **RESOLVED** – (1) That the proposal to carry out a review of the current grounds maintenance arrangements be endorsed.
- (2) That the proposal for the Estate Service Monitoring Group to undertake this work with officers be endorsed.

29. HOUSING MANAGEMENT PERFORMANCE REPORT (QUARTER 1)

- 29.1 The Committee considered a report of the Director of Adult Social Care & Housing which presented the quarter one report for Housing Management Performance for the year 2009-2010 (for copy see minute book). The report continued the new style of presentation and comparative benchmarking outlined in the end of year report presented previously to Housing Management Consultative Committee.
- 29.2 **RESOLVED** – That the report be noted.

30. HOUSING MANAGEMENT CUSTOMER ACCESS REVIEW

- 30.1 The Committee considered a report of the Director of Adult Social Care & Housing concerning the review of customer access arrangements for the Housing Management

Service (for copy see minute book). The Housing Management division provided a range of services to the residents of council managed properties in Brighton & Hove. Customers currently accessed services through a number of different channels and through a range of teams. Reviewing customer access and developing a strategy for the future was a key project in the Housing Management Improvement Programme 2009-2012.

30.2 **RESOLVED** – (1) That the customer access review work to date be noted and the next steps be agreed.

(2) That the resident involvement in the Customer Access Review be approved as detailed in paragraph 4.1 and 4.2 of the report.

31. PROCUREMENT OF CONTRACT FOR THE MANAGEMENT & MAINTENANCE OF LAUNDRY FACILITIES FOR COUNCIL MANAGED HOMES

31.1 The Committee considered a report of the Director of Adult Social Care & Housing which explained that a procurement process had been entered into whereby tenders were sought from service providers in relation to a contract for the management & maintenance of laundries facilities in both sheltered and non-sheltered housing (for copy see minute book). Following an evaluation of the tenders received, it was proposed that a contract be entered into with the preferred supplier, PHS Laundryserv, for a period of five years, starting 31 December 2009, with a possible extension of two years.

31.2 The Chairman thanked Faith Matyszak and Linda King for their hard work in their involvement with the Laundry Group. They were invited to give a presentation to the Committee.

31.3 John Melson asked if there would be an automatic locking system at night. Linda King explained that there could be automatic locking and unlocking with a SmartCard.

31.4 Chris Kift agreed that SmartCards worked well and were secure. There were some laundries where the entrance was outside the block and SmartCards worked well there. However, there would be an issue where the entrance was inside the block. Meanwhile, the new machines would cost £3.50 to use. Mr Kift stressed that people often only washed small loads.

31.5 Faith Matyszak explained that the cost of using the new machines would be £2.50 for a wash and £1 for use of the dryer. Costs had been kept down as much as possible.

31.6 The Assistant Director, Housing Management agreed that SmartCards were an option that would be investigated in consultation with tenants in local areas. There would be flexibility in areas such as St James's House. Sheltered housing tenants would pay through a service charge. This cost would be covered by housing benefit in the majority of cases.

31.7 Beryl Snelling said she was disappointed that sheltered housing tenants would not be paying for the service on a pay as you go basis. She stressed that there was a lot of misuse of launderettes in sheltered housing. Some people allowed their relatives to use the machines.

- 31.8 The Assistant Director, Housing Management replied that the misuse of launderettes would be investigated.
- 31.9 Tom Whiting stressed that the misuse of launderettes was only 2% maximum, and the scheme manager was usually made aware of the problem. He suggested that a range of sizes of machines should be considered.
- 31.10 Steward Gover raised the issue of security. People who lived in the blocks had access. There was need to consider outside access. He suggested that payment for the laundry could be by pay point. Linda King replied that pay point could be used for payment .
- 31.11 Councillor Davey asked how water and electricity were paid for in non sheltered housing. He asked if the council paid for these charges. The Head of Financial Services replied that all water and electricity charges were paid by the Housing Revenue Account budget.
- 31.12 The Chairman reported that with regard to water meters in blocks, Councillor Mary Mears had held a meeting with Southern Water last week and raised tenant's concerns. As a result, 2 people from Southern Water would attend the next Energy Efficiency Working Group.
- 31.13 **RESOLVED** – That, having considered the information and the reasons set out in the report, the Housing Management Consultative Committee recommend to the Cabinet Member for Housing that:
- (1) That the tender submitted by PHS Laundryserv for the management & maintenance of laundry facilities for sheltered and non-sheltered housing be accepted.
 - (2) That the Director of Adult Social Care & Housing be authorised to amend the service charges for sheltered housing to reflect the new laundry service from 31 December 2009.

32. LOCAL LETTINGS PLANS - LETTINGS RESTRICTED TO PERSONS OVER 50 YEARS OF AGE & BUNGALOWS

- 32.1 The Committee considered a report of the Director of Adult Social Care & Housing which explained that the council had to regularly review, and formally adopt Local Lettings Plans in order to be legally compliant and ensure that the plans met the council's stated objectives. All Local Lettings arrangements currently practiced by Brighton & Hove city Council in respect of its permanent council housing stock were reviewed to assure legal compliance and alignment with current policy objectives. Current arrangements were reviewed, and new proposals considered. There had been extensive stakeholder consultation, the outcome of which was included in the report. The council currently operated a practice of letting flats in some blocks only to people aged fifty or older. The council's current practice was not conversant with the legislative requirements in terms of justifying the need or review. Some practices were not compliant with current equalities requirements (for copy see minutes book).

- 32.2 Councillor Dee Simson welcomed the report but asked if consideration could be given to an amendment in relation to 6 bungalows in Woodingdean, near Irelands Lodge. These bungalows had always catered for retired people. They would not be protected by this policy. She suggested the amendment as follows: 'That six bungalows near Irelands Lodge in Woodingdean be let to people over 60 years of age which will release family accommodation'. Councillor Simson considered the bungalows to be a valuable resource and this amendment would preserve a community of vulnerable people. Councillor Wells concurred with this proposal.
- 32.3 Councillor Simpson asked if the change in designation for bungalows included bungalows termed as sheltered accommodation in Ditchling Gardens.
- 32.4 The Head of Housing Management (North & East) explained that Ditchling Gardens was a designated sheltered scheme and was exempt from any of the proposals in the report. The bungalows in Woodingdean were not attached to Irelands Lodge, but there was historically a close connection. A clause could be added that covered the 6 bungalows. However, it could be open to challenge if someone had needs and was excluded purely because they were under 60.
- 32.5 The Director of Adult Social Care & Housing suggested that officers worked on an equalities impact assessment on the proposed amendment.
- 32.6 John Melson disagreed with the amendment and stressed that people needed a home whatever age they were. He suggested that introductory tenancies were given for longer periods. He was against local letting plans. The Chairman replied that the report had been produced as tenants had requested over 50's blocks. Other tenants did not want to move to sheltered blocks. The proposals would make family housing available and would be reviewed in December.
- 32.7 Chris Kift made the point that 'Right to Buy' would have a negative effect on Local Lettings Plans for the over 50's. In one block 30 flats had been bought. He could not see the point of over 50's blocks. Beryl Snelling concurred these comments.
- 32.8 Councillor Oxley supported the recommendations and made the point that when Right to Buy was introduced, not many flats were sold. He stressed that the request for some blocks to be included in the proposals had come from the tenants. He asked when consultation would commence and who would be consulted. The Head of Housing Management (North & East) explained that the consultation would be with tenants, homeseekers, councillors, community interest groups and user groups. Consultation would be commenced quickly and the results would be reported to the December HMCC.
- 32.9 Beverley Weaver informed the Committee that she had moved into a bungalow 9 years ago. Neighbours had submitted a petition of objection as she was under 50. She stressed that people had to live somewhere. Meanwhile, when allocating properties there should be consideration as to whether people were well enough to cope.
- 32.10 The Chairman summed up by stating that in addition to the recommendations officers would investigate whether the six bungalows near Irelands Lodge in Woodingdean could be let to people over 60 years of age which will release family accommodation.

32.11 **RESOLVED** – That, having considered the information and the reasons set out in the report, the Housing Management Consultative Committee recommend to the Cabinet Member for Housing that:

- (1) That the restrictions limiting letting flats in Livingstone House, Philip Court, Ardingly Court, Nettleton Court, Dudeney Lodge and Hampshire Court to people aged over 50 years is confirmed as council policy and adopted as a Local Lettings Plan. That this excludes adapted and mobility standard property which, in the interest of disability equality, is available to people of any age with that specific need. That this is reviewed in 2012.
- (2) That flats in Robert Lodge are offered with priority to people over 50, but in the event of there being no eligible bidders of that age, may be let to younger tenants.
- (3) That bungalows meeting the council's housing mobility standards will be available to people of any age with that specific mobility need.
- (4) That bungalows that do not meet the needs of people in mobility groups 1, 2 or 3 are let with priority to households releasing 3 and 2 bedroom houses and 3 bedroom flats.
- (5) That a feasibility study, focused around community consultation, takes place in order to assess the viability of expanding the 50 plus local lettings plan to include Kingsway, Clarke Court, Malthouse Court and other suitable blocks. This would report to Housing Management Consultative Committee in December 2009. HMCC are invited to propose blocks for inclusion in this study.

33. DISCUSSION PAPER ON PROPOSED FINANCIAL INCLUSION STRATEGY

33.1 The Committee considered a report of the Director of Adult Social Care & Housing concerning the development of a Financial Inclusion Strategy for residents of Council Housing, that would contribute to the aims and objectives contained within the Housing Revenue Account Service Improvement Plan 2009-2012 (for copy see minute book). Specifically, the strategy would address the interrelated issues experienced by financially excluded residents in Brighton & Hove.

33.2 **RESOLVED** – That the involvement of the Income Management Monitoring Group in the development of the strategy be noted.

34. TURNING THE TIDE

34.1 The Committee considered a report of the Director of Adult Social Care & Housing which set out the draft Social Exclusion Strategy – “Turning the Tide” (for copy see minute book). The strategy outlined the aims and objectives to address anti-social behaviour, intergenerational social exclusion and quality of life experience for residents in social housing living in areas of multiple deprivation in Brighton and Hove. To do this the strategy adopted a robust parallel approach of support and enforcement in order to “turn the tide” by addressing behaviours that impacted negatively on individuals, families and the community. The strategy was a work in progress, currently at the second draft stage. Comments/feedback from key stakeholders, partners and council

tenants would be sought before presenting a final draft to Cabinet for approval/agreement later this financial year.

- 34.2 Chris Kift made reference to the Eastern Road Partnership, which had a three year plan and had to finish after only one year, due to funding being re-assigned. Some excellent work had been carried out by the Partnership. He liked the report but made the point that the strategy should not stop until it had been completed.
- 34.3 The Chairman replied that the Eastern Road Partnership was about cross tenure and was reliant on funding. The Turning the Tide Strategy was a housing initiative and would be using existing resources in a different way. She agreed that the Eastern Road Partnership had carried out some excellent work.
- 34.4 Councillor Simson asked if the strategy would be working with partners and running parallel to other projects.
- 34.5 The Social Inclusion Manager informed the Committee that she had spent a great deal of time mapping and investigating what had already been achieved and has made strong links with the key partners/services and agencies across the city. The strategy was about using existing resources more efficiently in order to ensure sustainability of services that compliment not duplicate each other.
- 34.6 Councillor Oxley considered the report to be one of the more important documents published by the administration. He considered it a travesty that some people were trapped by inter-generational dependency and that others were suffering from anti-social behaviour. He considered the multi-agency approach essential. He agreed that peoples' aspirations needed to improve and that consultation was important. Councillor Oxley asked about the financial implications and queried whether tenant centred strategies should be funded from the Housing Revenue Account.
- 34.7 The Director of Adult Social Care & Housing replied that the Head of Financial Services had advised that a certain amount of Turning the Tide funding could come from the Housing Revenue Account. There would be a mixture of funding streams. Meanwhile, she would ask the Head of Financial Services to contact Councillor Oxley about this issue.
- 34.8 John Melson commented that it was a very helpful and comprehensive report and officers should be congratulated. He stressed the need to ensure that the pilot was working and to extend the strategy to other areas. There was also a need to see what was not working.
- 34.9 Stewart Gover agreed it was a good report. He asked why the pilot focused on Mousecoomb and Whitehawk. Why not Portslade and Hangleton for example.
- 34.10 The Chairman replied that the pilot would cover the area served by the Selsfield Drive Housing Office which includes Coldean and Bates Estate as well as Moulescoomb and Bevendean. It had been necessary to pick an area for the pilot and the areas chosen were among the most deprived in the city. The Social Inclusion Manager stressed that the decision had been taken on levels of need in the area both at community and household level.

- 34.11 **RESOLVED** – (1) That the launch for the Turning the Tide Pilot in Moulsecomb and Bevendean to be led by Housing Strategy with the relevant staffing resources be agreed.
- (2) That a series of tenant/resident focus groups run in the pilot area to look at the key themes and identify priorities for the local community
- (3) That the financial implications be noted

The meeting concluded at 5.51pm

Signed

Chairman

Dated this

day of

HOUSING CABINET MEMBER MEETING

Agenda Item 56

Brighton & Hove City Council

Subject:	Sussex Partnership Foundation Trust (SPFT) Contract	
Date of Meeting:	CMM Adult Social Care	19 October 2009
	CMM Housing	11 November 2009
	Joint Commissioning Board	16 November 2009
Report of:	Joy Hollister, Director of Adult Social Care & Health	
Contact Officer:	Name: Denise D'Souza	Tel: 29-5032
	Deborah Wheeler	545321
	E-mail:	denise.d'souza@brighton-hove.gov.uk
		deborah.wheeler@bhcpct.nhs.uk
Key Decision:	Yes	Forward Plan No. (ASC2164, HSG2159, JCB11472):
Wards Affected:	All	

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 The report sets out the changes in the contractual arrangements between the Primary Care Trust and Sussex Partnership Foundation Trust. These linked to changes in the publication of a Department of Health National Contract for Mental Health.
- 1.2 To provide detail of the current contractual position. Prior to this the Primary Care Trust had signed a 5 year contract with the Trust.

2. RECOMMENDATIONS:

- (1) To note and comment on the current contractual position.
- (2) To request a further update report from officers.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 Brighton and Hove City Council originally entered into joint commissioning arrangements with the PCT and with South Downs NHS Trust for the provision of a range of services including mental health.
- 3.2 The creation of the Sussex Partnership Trust meant that the provider agreement transferred to the new mental health trust that covered all of Sussex. Eighteen months ago the Sussex Partnership Trust became a Foundation Trust (SPFT).

- 3.3 The local authority continue to have Section 75 joint commissioning arrangement in place for Mental Health Adults and Older People, Substance Misuse, HIV Service, and joint arrangement for Older People Service and Physical Disability Services. The local authority is the lead commissioner for Learning Disability Services. For mental health and substance misuse services staff who are employed by the local authority are seconded to the SPFT and provide the local authority function under integrated management arrangements within the Trust. Due to the statutory nature of the work there remains a formal link back to the local authority.
- 3.4 A standard NHS contract for Mental Health Services was released in December 2008 and Primary Care Trusts (PCT's) were expected to use this contract for the year 9/10. As the SPFT foundation trust contract in place did not end until 31st March 2011, the Trust was not required to use the standard contract until this expired. However, PCTs and the local authority negotiated a contract variation that replaced the old agreement with the format and terms and conditions of the standard contract. This gave commissioners more flexibility to negotiate service improvements and begin negotiations around efficiency targets. It would also ensure a commitment with regard to moving to Payment by Results. The value of the contract across all Sussex PCTs is £192,324,391 and for Brighton and Hove: £43,737,616
- 3.5 The new contractual arrangement is to ensure commissioners have appropriate measures to gauge and improve quality of services and to ensure the Primary Care Trust achieve a costed and competitive service through a new scheme "Commissioning Quality and Innovation Scheme (CQUIN)". This process enables the Primary Care Trust to move away from the penalty of reducing the financial envelope if performance drops to withholding payments pending improvements to the service. This method should ensure that SPFT focus on improved quality and performance.
- 3.6 The specific benefits of the new contracting framework are:
- The contract is legally binding.
 - Allows for partnerships between PCT and Local authorities, under section 75 agreements.
 - The contract ensures that the following policy requirements are introduced for;
 - Care planning
 - Mixed sex accommodation
 - Admission of 16 – 17 year olds to adult psychiatric wards
 - Data quality improvement plans
 - Healthcare associated infections improvement plans
 - Services quality and safety improvement plans
 - Schedules include:
 - An activity plan (service lines)
 - Service specifications
 - Specified quality standards
 - There is a provision for specifying the nature, accuracy and timing of information to commissioners
 - Data quality improvement plans, linked to payment

- Contract controls:
 - Rules and expectations to deal with the consequence of poor performance
 - Sanctions are for a failure to remedy rather than penalising the initial failure (limited to 10% of contract value).
 - Links payment to specific quality improvement (CQUIN)

3.7 There are a number of very specific deliverables through to end of March 2011. A commitment to:

- Improve the levels of quality and service.
- Ensure that investment and disinvestment is a transparent process.
- Develop and agree plans that are consistent with commissioning intentions and support the achievement of Cash Releasing Efficiency Savings targets.
- SPFT to deliver savings by end of March 2011, to be agreed.
- Work together to develop plans to generate further savings.
- Introduce the application of withheld payments to incentivise providers to improve in the case of poor performance.
- Progression towards unit prices benchmarked against best value indicators.
- Develop and agree CQUIN schemes and a quality improvement plan to incentivise innovation and improvement.

3.8 SPFT has been issued 8 performance notices to address poor performance. Four have been addressed however the following are still subject to rectification plans:

- The number of people receiving Early Intervention in Psychosis Service is below target for three consecutive months
- The number of completed IAPT treatments is significantly below trajectory for three consecutive months.
- The percentage of face to face assessments carried out within 5 days of assessment has been significantly below target for three consecutive months. (specific to BH)
- The percentage of interventions carried out within five days of assessment has been significantly below target for three consecutive months. (specific to BH)

3.9 The PCT and the local authority are working collaboratively to review and improve the performance indicators. A negotiation strategy for next year is currently under construction

4. CONSULTATION

4.1 The Sussex Partnership Trust undertook a consultation on their application to become a Foundation Trust and invited staff, users and others across Sussex to become members of the organisation.

4.2 The PCT is currently consulting on the Commissioning Strategy for Working Age Mental Health Services.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

The City Council's financial relationship with Sussex Partnership Foundation Trust is covered under S.75 arrangements. The contract variation between commissioners and Sussex Partnership Foundation Trust as outlined in this report will strengthen performance management and put requirements on the Trust to meet efficiency and other savings objectives set out by the PCT and local authority.

Finance Officer Consulted: *Name: Anne Silley* *Date: 09/10/09*

5.2 Legal Implications:

This report is for noting only. Whilst there is no decision for Members to make as the focus of the report is an agreement between two other bodies (the Primary Care Trust and Sussex Partnership Foundation Trust), the new contractual arrangements will have a positive impact on the way that mental health services are delivered across the city.

The section 75 service delivery agreement between the council and Sussex Partnership Foundation Trust has yet to be formalised.

Lawyer Consulted: *Name: Oliver Dixon* *Date: 12/10/09*

Equalities Implications:

- 5.3 These contractual arrangements relate to services for people with mental health and substance misuse needs and will have a positive impact on the services available to them.

Sustainability Implications:

- 5.4 There are no specific sustainability implications.

Crime & Disorder Implications:

- 5.5 There are no specific crime and disorder implications.

Risk and Opportunity Management Implications:

- 5.6 These are included in the main body of the report.

Corporate / Citywide Implications:

- 5.7 This report covers key services delivered in partnership across the city for people with a range of health and social care needs.
- 5.8 These services will be subject to judgements by the national regulator, Care Quality Commission and will feed into the Comprehensive Area Assessment.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 The benefits of moving to the NHS standard contract are detailed in section 3.4. 3.5 and 3.6

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 To strengthen the performance management elements of this contract and promote service improve improvement, efficiency and quality.

SUPPORTING DOCUMENTATION

Appendices:

1. None

Documents In Members' Rooms

1. None

Background Documents

1. None

HOUSING CABINET MEMBER MEETING

Agenda Item 57

Brighton & Hove City Council

Subject:	Procurement of contract for the management & maintenance of laundry facilities for council managed homes		
Date of Meeting:	11 November 2009		
Report of:	Director of Adult Social Care & Housing		
Contact Officer:	Name:	Martin Booty	Tel: 29-3806
	E-mail:	Martin.booty@brighton-hove.gov.uk	
Key Decision:	Yes	Forward Plan No: HSG 12744	
Wards Affected:	All		

FOR GENERAL RELEASE.

1. SUMMARY AND POLICY CONTEXT:

- 1.1 A procurement process has been entered into whereby tenders were sought from service providers in relation to a contract for the management & maintenance of laundries facilities in both sheltered and non-sheltered housing. This matter was previously reported to the Housing Management Sub- Committee in January 2006 at which time it was agreed that a further report be prepared once the procurement process was complete.
- 1.2 Following an evaluation of the tenders received, it is proposed that a contract be entered into with the preferred supplier, PHS Laundryserv, for a period of five years, starting 31 December 2009, with a possible extension of two years.
- 1.3 The Housing Management Consultative Committee meeting held on Monday 12 October approved the proposal as outlined.

2. RECOMMENDATIONS:

That the Cabinet member for Housing

- (1) agrees that the tender submitted by PHS Laundryserv for the management & maintenance of laundry facilities for sheltered and non-sheltered housing be accepted.
- (2) authorises the Director of Adult Social Care & Housing to amend the service charges for sheltered housing to reflect the new laundry service from 31 December 2009

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 The present arrangements for the management & maintenance of laundry facilities are in need of review as they are not sustainable. Investment in the laundry service is required and a clear structure within which to operate the service is needed.
- 3.2 Following a report to the Housing Management Sub-Committee in January 2006/7 a number of largely unused laundry rooms were decommissioned as being no longer viable and in some cases, unsafe. It was also agreed to seek tenders for the management & maintenance of the remaining locations, with the work being guided by the Laundry Facilities Working Group (LFWG).
- 3.3 As part of their tender, PHS Laundryserv will remove all existing appliances and replace these with new washing machines and tumble driers.
- 3.4 There will be a charge for the appliances installed in sheltered accommodation. The cost of this can be recovered from sheltered residents by way of a service charge of approx. £1.26 per week and this is eligible for Housing Benefit of which approximately 80% of sheltered residents claim. Sheltered tenants are not currently charged for this service and this contract will result in a new charge. Although as sheltered housing residents will not be charged for each use, they will benefit from the facilities without a financial penalty attached to those who may have a medical need for frequent use.
- 3.5 The contractor will also supply equipment to non-sheltered locations but at no cost to the council on account of the fact they will collect and retain income from the coin-op mechanisms to each appliance. Although the contractor will keep this money for the first two years, future years' income will be shared, with a rebate of 30% payable to the council in years three to five. The contractor will be responsible for repair and maintenance costs.

4. CONSULTATION

- 4.1 The review of the laundries has long been guided by the tenant-led LFWG comprising tenant representatives from Area Panels, the High Rise Action Group and the Sheltered Housing Action Group.
- 4.2 Two nominees from the LFWG participated fully in the contract evaluation process, including the bidders' presentations and subsequent questioning of the prospective service providers. The LFWG subsequently met and supported the bid submitted by PHS Laundryserv as offering good value for money.
- 4.3 The timetable for the procurement process did not allow for a detailed report to be submitted to the September cycle of the Area Panels and to ensure that residents associations were apprised of the outcome, the chairs & secretaries of each association have been written to and advised as to the main points of the proposed new arrangements for the laundry service.

- 4.4 As the preferred supplier is not proposing to charge for appliances installed in non-sheltered locations, there will be no costs to recoup from leaseholders. As a result, formal consultation arrangements do not have to be put in place with long lessees.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications

- 5.1 The provision and the annual servicing and maintenance of the new machines installed at sheltered sites will be recovered by a new service charge to sheltered residents. The service charge which is eligible for Housing Benefit will be £1.26 per flat per week. Charges for non-sheltered locations will be £2.50 per wash and £1.00 per dry.
- 5.2 The provision and servicing and maintenance of new machines will be self financing with income provided either to the council through service charges or to the contractor through individual wash charges. It is anticipated that the new contract will provide savings compared to current costs in the region of £25,000 per annum. It is difficult to accurately assess these savings as it is not known how much usage may increase which will directly increase costs for electricity and water. Any savings will be included within the 2010/11 HRA budget

Finance Officer Consulted: Monica Brooks, Principal Accountant

Date: 14 September 2009

Legal Implications:

- 5.3 There are no specific contractual/procurement issues arising from the report. The final contract must be compliant with the Council's contract standing orders. The Council must take the Human Rights Act into account in making decisions but it is not considered that any individual's Human Rights Act rights would be adversely affected by the recommendation in this report.

Lawyer Consulted: Liz Woodley, Senior Lawyer Date: 14 September 2009

Equalities Implications:

- 5.4 Not all residents have access to laundry facilities; however the proposed contract will provide new equipment in the vast majority of cases, including all sheltered schemes where there are currently laundry rooms.
- 5.5 Residents of sheltered schemes may in some cases have additional requirements and to this end, each washing machine will have a sluice programme and residents will pay a weekly service charge rather than pay on a coin-op basis as will non-sheltered residents. This will ensure that residents with frequent laundry requirements are not penalised.

Sustainability Implications:

- 5.6 The preferred supplier intends to replace all existing appliances with new equipment. New washing machines are all more energy efficient and also consume less water than current equipment. The driers will each have sensors to detect when clothes are dry and will cease automatically, thus saving energy. Although the new appliances will be more energy efficient, improved facilities could lead to greater use and therefore we will carefully monitor energy costs to establish costs/usage patterns.

Crime & Disorder Implications:

- 5.7 From time to time there have been incidents when laundry appliances are vandalised as a result of damage to the coin-op mechanisms. The preferred supplier is keen to promote a 'SmartCard' system whereby reusable cards can be programmed to provide a cashless means of accessing laundry rooms and the appliances themselves, thus removing the risk of theft related crime.

Risk and Opportunity Management Implications:

- 5.8 The existing contract for the maintenance and servicing of laundry equipment has been extended but expires on 31 December 2009. It is necessary therefore to re-tender to ensure an uninterrupted service to residents continues.

Corporate / Citywide Implications:

- 5.9 The proposal to enter into a contract for the management & maintenance of laundry facilities supports the corporate priority 'Better use of public money' on account of the fact that if the cost charged by the contractor for the equipment is recouped from residents of sheltered housing then the contract will be cost neutral to the HRA, thus representing a saving to residents.
- 5.10 The proposal will also support the priority 'Reduce inequality by increasing opportunity' through ensuring that residents continue to have access to sustainable arrangements for laundry requirements at reasonable cost.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 As an alternative to seeking tenders from experienced service providers, additional funding could be sought from the Housing Revenue Account (HRA). However, the cost of running the laundry facilities already far exceeds the income. As a consequence the service can only be run at a loss to the HRA and much of the cost therefore falls to all tenants including those who do not benefit from laundry services within their block/estate.
- 6.2 As existing appliances age, they will need to be replaced and current financial provision is unlikely to keep pace with the level of replacements required in future years.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 It is necessary to re-tender the contract for servicing and repairing laundry equipment to council managed homes.
- 7.2 New arrangements for the funding and management of the laundries are also required to ensure the service is provided in a sustainable manner. The tender from PHS Laundryserv represents good value for money and provide a sound methodology for the future management & maintenance of laundry.

SUPPORTING DOCUMENTATION

Appendices:

None

Documents In Members' Rooms

None

Background Documents

1. Management & maintenance of Council Owned Laundry Facilities – Contract no. 820. Evaluation by Corporate Procurement

HOUSING CABINET MEMBER MEETING

Agenda Item 58

Brighton & Hove City Council

Subject:	Local Lettings Plans – Lettings restricted to persons over 50 years of age and bungalows		
Date of Meeting:	November 11 2009		
Report of:	Director of Adult Social Care and Housing		
Contact Officer:	Name:	Helen Clarkmead	Tel: 293350
	E-mail:	Helen.clarkmead@brighton-hove.gov.uk	
Key Decision:	Yes	Forward Plan No. HSG10110	
Wards Affected:	All		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 The council has to regularly review and formally adopt Local Lettings Plans in order to be legally compliant and ensure that the plans meet the council's stated objectives.
- A requirement of the council's Allocations and Adaptations Policy, as approved by the Cabinet Member for Housing on 11 March 2009, is that all Local Lettings Arrangements currently practiced by Brighton and Hove City Council in respect of its permanent council housing stock are reviewed to assure legal compliance and alignment with current policy objectives. Current arrangements were reviewed, and new proposals considered. There has been extensive stakeholder consultation, the outcome of which is included in the report.
- 1.2 A local authority may implement a Local Lettings Plan [LLP] to make better use of housing stock or to meet other local need. Authorities must demonstrate a need for the LLP that cannot reasonably be met through alternative measures and regularly review both need for, and effectiveness of, the LLP. However, authorities must ensure that allocation should demonstrate 'reasonable preference' to those groups defined as having priority in section 167 (2) of the 1996 Housing Act (amended by the Homelessness Act 2002). Moreover, authorities must not discriminate either directly or indirectly on any equality grounds. Each LLP should be monitored to ensure it meets the original aims and objectives.
- 1.3 The council currently operates a practice of letting flats in some blocks to only to people aged fifty years or older. The council's current practice is not conversant with the legislative requirements in terms of justifying need or review. Some practices are not compliant with current equalities requirements.
- 1.4 A review considered the fitness for purpose of existing practice in respect of meeting council objectives, lawfulness and against current equalities standards.

Essentially, are the plans actually needed, do they deliver what is expected, are they fair and lawful.

2. RECOMMENDATIONS:

2.1 That the Cabinet Member for Housing agrees a Local Lettings Plan in respect of blocks for people over 50 years of age and for bungalows with the effect that:

- (1) Restrictions limiting letting flats in Livingstone House, Philip Court, Ardingly Court, Nettleton Court, Dudeney Lodge and Hampshire Court to people aged over 50 years are confirmed as council policy and adopted as a local lettings plan. That this excludes adapted and mobility standard property which, in the interest of disability equality, is available to people of any age with that specific need. That this is reviewed in 2012.
- (2) Flats in Robert Lodge are offered as with priority to people over 50, but in the event of there being no bids received from people in that age group; the council may let flats to younger tenants. This will be reviewed in June 2010.
- (3) Bungalows meeting the council's housing mobility standards will be available to people of any age with that specific mobility need. This will be reviewed in September 2010
- (4) Bungalows that do not meet the needs of people in mobility groups 1, 2 or 3 are let with priority to households releasing 3 and 2 bedroom houses and 3 bedroom flats. This will be reviewed in September 2010.
- (5) Bungalows in Lockwood Crescent and Kipling Avenue, Woodingdean, are exempted from the main local lettings plan for bungalows. That a report with options for the future letting of these six properties be presented to HMCC in December 2009.
- (6) A feasibility study, including community consultation, takes place to assess the viability of expanding the 50 plus local lettings plan to include 385 Kingsway, Clarke Court, Malthouse Court and other suitable blocks. This would report to Housing Management Consultative Committee in December 2009.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

3.1 **Reviewing number of blocks where lettings are restricted to people aged 50 years or older.**

3.1.1 The objectives of the review in regard to properties with current restrictions were as follows:

- a) to comply with the legal requirement to review restrictions
- b) to review the practices against meeting the council's objectives
- c) to review the restrictive practice within the context of choice based lettings
- d) to review the current practice against equalities standards

3.1.2 There are 460 units of property within the council's general needs housing stock where lettings are restricted to people aged 50 years or older. This represents 3.73% of the council's general needs stock. Many of these flats are suitable for people with impaired mobility, and current practice is potentially discriminatory against people with mobility related housing needs aged who are under 50 years of age.

3.1.3 Over 50's general stock listed by block

Block	Bedsits	One bed flats	Two bed flats	total
Ardingly Court	0	41	0	41
Dudeney	0	85	0	85
Hampshire Court	20	72	22	114
Livingstone House	0	28	10	38
Nettleton	0	80	0	80
Philip Court	6	27	12	45
Robert Lodge	0	24	33	57
Total	26	357	77	460

Block	Leaseholders
Ardingly Court	7
Dudeney	2
Hampshire Court	30
Livingstone House	16
Nettleton	7
Philip Court	16
Robert Lodge	13

3.1.4 The council wishes to increase the number of blocks designated for tenants aged over 50 years. These blocks are generally popular with tenants, especially so with people seeking to down size from family housing. However, this needs to be balanced against equalities requirements and ensuring that the housing designated for people over 50 is suitable so as not to impact upon lettings performance.

3.1.5 There are equalities implications in age restrictive lettings plans, and unreasonable restriction leaves the council open to challenge. The equalities impact of the local lettings plan would be mitigated by lifting the age restriction in respect of mobility standard units, thereby allowing people of any age with

specific mobility related housing needs to bid for suitable property in blocks generally designated for people over 50.

- 3.1.6 Robert Lodge is currently designated as an over 50s block. However there are high levels of under occupation, and the 2 bedroom flats in this block above the ground floor are difficult to let. This results in long periods where flats are empty with a negative impact on the key performance indicators of empty property turnaround time and rent loss for the council.
- 3.1.7 It should be noted that age restrictions cannot lawfully be applied upon sale of a property. Therefore, leaseholders and their tenants may be of any age. Blocks where there are a high proportion of leaseholders may have more residents who are under 50.
- 3.1.8 It is not permissible to refuse a mutual exchange application on the basis of an age restrictive lettings policy. Some tenants may, therefore, be under 50 years of age.

3.1.9 Consultation with residents:

Livingstone House. Members of the residents association said they were not even aware that such a policy existed due to the exemption of leaseholders and other groups from the age restriction. There were no strong views expressed as to future lettings policy for the block.

Dudeney and Nettleton. Some members of the residents association did express concern that anti social behaviour seemed to be on the increase. However, in detailed discussions with representatives it was agreed that those problems could not be linked to age. Many residents expressed strong views that the flats are small and not suitable for families and that noise transmission can be a problem. They feel residents over 50 are unlikely to become parents, generally make less noise than younger people, and on that basis expressed a preference that the blocks remain designated for people over 50.

Robert Lodge. Residents accept there is a need to address the under occupation and hard to let issues, but have concerns about noise transmission within the block. The recommendation for this block is that flats are advertised with priority to people over 50, but giving the council flexibility to let to younger people if, as has been the case recently, there are no bids from people of this age for a property.

Ardingly Court. A detailed submission was received from the Secretary about the need to preserve the established community this block. Further representations were made to councillors stating why change would unsettle the local community.

Philip Court. Residents expressed very strong opposition to any change and made clear that they would like this to remain a block designated for people aged over 50 years.

Hampshire Court. A residents meeting was attended with 30 residents, where strong feelings were expressed in support of retaining the over 50s restriction. widespread dismay and anger at the possibility of the lifting of restrictions.

Malthouse Court Residents have asked that consideration be given to designating the block for over 50s. This will be addressed as part of the feasibility study reporting back to HMCC in December 2009.

3.2 One bedroom bungalows

3.2.1 The council has 137 one bedroom bungalows. A formal local lettings plan has not been adopted by the council in respect of these properties, but custom and practice has evolved over time to favour letting these to older people. The council needs to agree and adopt a formal local lettings plan in respect of these properties.

3.2.2 Some bungalows are adapted for the use of people with restricted mobility, or are otherwise easily accessible for people with mobility 1/2/3 needs. As there are relatively few properties in city that meet the needs of people with specific mobility related housing requirements, it is proposed that bungalows that meet the requirements of people assessed as needing mobility 1/2/3 accommodation are let to people with those needs regardless of their age.

Therefore, every one bed bungalow that is to be advertised in *Homemove* magazine will be assessed for mobility status if such an assessment has not already taken place. To do otherwise would be potentially discriminatory against disabled people aged under 50 who would have fewer housing options.

3.2.3 Bungalows are attractive to many people who wish to downsize in order to release family houses but do not want to live in a block of flats. In order to release more family houses, and help the council make best use of stock, it is proposed that bungalows that do not meet mobility 1/2/3 requirements are advertised with priority to people releasing three or two bedroom houses or three bedroom ground floor flats. These tenants are likely to be older, most will be over 50.

4. CONSULTATION

4.1 A wide of range of consultation is has been undertaken about all the recommendations. Tenants, Homeseekers and community interest groups were consulted. In addition, many community groups were asked to submit opinions. Our Registered Social Landlord partners were consulted. There was extensive dialogue with other departments within the authority. Consultation outcome, and responses to concerns raised, is contained within the body of the report.

4.2 This report was discussed at Housing Management Consultative Committee on October 12 2009. Some concerns were raised around the equalities implications of age restricted lettings. There are equalities implications, but:

- The properties involved total less than 4% of the council's housing stock
- More than 20% of Homemove users are aged 50 plus
- Property suitable for people with mobility needs is exempted.
- More than 80% of flats covered by the 50 plus LLP and studio or one bed and therefore not suitable for families.

Any negative equality impact is not significant, and justifiable in that this LLP:

- Is the clearly expressed wish of tenants currently living in 50 plus blocks
- Was supported by a majority indicative vote at HMCC
- Will help meet the council's objective of making best use of stock as encourages release of underoccupied family housing

Some members of HMCC asked that the six bungalows in Lockwood Crescent and Kipling Avenue, Woodingdean be considered for a distinct Local Lettings Plan restricted to people over 60 who are releasing family homes. This would, they suggested, preserve the unique character of this tight knit community where the bungalows have historically been let to retired people.

A separate piece of work will be undertaken, and options for the future letting of these properties will be presented to HMCC in December 2009. If any of the 6 properties become vacant before this is resolved, a sensitive let will be made to a tenant or tenants over 60 years of age.

An indicative vote at HMCC demonstrated that a majority of delegates were in favour of the recommendations.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 " There are no direct financial implications from the recommendations in this report. The changes to the LLP will be made within the existing 2009/10 Housing Revenue Account Budget. "

IFinance Officer Consulted: Susie Allen

Date: 02/06/2009

Legal Implications:

- 5.2 By virtue of section 169 Housing Act 1996, the Communities Secretary is entitled to issue guidance to local housing authorities in connection with the exercise of their powers under Part VI of the Housing Act 1996 - allocation of housing accommodation. Local Authorities are required to have regard to this guidance when exercising their allocation functions. In pursuance of this section, in August 2008 CLG issued a guide entitled, "Allocation of Accommodation: Choice Based Lettings - Code of Guidance for Local Housing Authorities." The guidance includes a section on local lettings policies. The recommendations in the report are compatible with that section."

Lawyer Consulted:

Liz Woodley

Date: 29/05/2009

Equalities Implications:

- 5.3 An Equalities Impact Assessment has been completed in respect of these recommendations. To summarise the findings;
There are equalities implications in preventing people bidding for specific property purely on the basis of age. This disadvantages younger people whose housing options are restricted. This is magnified in the case of disabled people with specific mobility relating housing needs, who could be prevented from bidding for one of the few suitable properties for them on the basis of their age. To mitigate any negative impact, it is proposed that flats and bungalows meeting the council's mobility standard are exempted from age restriction and available to people of any aged who have been formally assessed by the council as needing that specific type of accommodation.

Sustainability Implications:

5.4 There are none.

Crime & Disorder Implications:

5.5 There are none

Risk and Opportunity Management Implications:

5.6 There is a risk of challenge from people who are prevented from bidding for property on grounds of their age. Restrictive lettings may impair the council's ability to make best use of housing stock in order to meet citywide housing need. However, over 50s blocks and bungalows are popular with tenants seeking to downsize from family homes and greater availability of this type of housing may enable the release of more larger family units and help the council make best use of its stock. As the number of units designated for people over 50 forms less than 4% of the council's general stock, any negative equality impact is not significant.

Corporate / Citywide Implications:

5.7 There are none

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

6.1 It was considered if blocks currently designated for people over 50 should be made available to people of any age, but this was very unpopular with tenants. It would reduce the number of underoccupied family homes released by people who specifically want to live in a child free environment or bungalow.

6.2 It was considered if an age restriction should be placed upon bungalows. This is not be acceptable on equalities grounds as it would place disabled people who are under 50 in need of level accommodation at significant disadvantage.

7. REASONS FOR REPORT RECOMMENDATIONS

7.1 To formally adopt a Local Lettings Plan in respect of flats designated for people over 50 years of age and for bungalows.

SUPPORTING DOCUMENTATION

Appendix: There are none

Documents In Members' Rooms There are none

Background Documents

1. The council's Housing Allocations Policy as adopted by the Council at Cabinet Member for Housing Meeting 11 March 2009.

HOUSING CABINET MEMBER MEETING

Agenda Item 59

Brighton & Hove City Council

Subject: Amendment to Local Lettings Plan
Date of Meeting: 11 November 2009
Report of: Director of Adult Social Care and Housing
Contact Officer: Name: Helen Clarkmead Tel: 293350
E-mail: Helen.clarkmead@brighton-hove.gov.uk
Key Decision: No
Wards Affected: All

FOR GENERAL RELEASE/ EXEMPTIONS *[Delete as applicable].*

1. SUMMARY AND POLICY CONTEXT:

- 1.1 On July 17 2009, the Cabinet Member for Housing agreed a Local Lettings Plan where 25% of 2 bed and larger properties in 9 deprived areas of the city is let with priority to working households.
- 1.2 This report recommends a variation to the original Local Lettings Plan.

2. RECOMMENDATIONS:

- (1) That the proportion of property allocated under the Working Households Local Lettings Plan pilot is increased from 25% to 50% of 2 bed and larger property. Adapted property and that meeting the council's mobility 1, 2 or 3 standard is exempt.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 On July 17 2009, the Cabinet Member for Housing agreed a Local Lettings Plan where 25% of 2 bed and larger property in 9 deprived areas of the city is let with priority to working households. 25% is proving too small a proportion of lettings by which to effectively evaluate the impact of this scheme.
- 3.2 It is therefore recommended that for the remainder of the pilot period 50% of vacant 2 bed and larger properties in the 9 areas named in the Cabinet Member report of July 2009 is let with priority to working households.

4. CONSULTATION

- 4.1 There was extensive consultation and broad support for the Local Lettings Scheme before the report was presented to the Housing Cabinet Member in July 2009. As this proposal does to significantly change the nature or impact of the Local Lettings Plan, further consultation has not been undertaken.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 There are no direct financial implications to the HRA Budget from the recommendations in this report.

Finance Officer Consulted: Susie Allen

Date: 14/10/09

Legal Implications:

- 5.2 "By virtue of section 169 Housing Act 1996, the Communities Secretary is entitled to issue guidance to local housing authorities in connection with the exercise of their powers under Part VI of the Housing Act 1996 - allocation of housing accommodation. Local Authorities are required to have regard to this guidance when exercising their allocation functions. In pursuance of this section, in August 2008 CLG issued a guide entitled, "Allocation of Accommodation: Choice Based Lettings - Code of Guidance for Local Housing Authorities." The guidance includes a section on local lettings policies. The recommendations in the report are compatible with that section."

LaWyer Consulted: Liz Woodley

Date: 25/05/09

Equalities Implications:

- 5.3 The proposed amendment has no significant equalities implication.

Sustainability Implications:

- 5.4 The proposed amendment would serve to further increase balance and sustainability in the most deprived communities in the city.

Crime & Disorder Implications:

- 5.5 There are none

Risk and Opportunity Management Implications:

- 5.6 This amendment has no significant risk and opportunity management implications.

Corporate / Citywide Implications:

5.7 There are none.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

6.1 The alternative is not to increase the proportion of property let under the Working Households Local Lettings Plan. This would not achieve the objective of making sufficient lets during the pilot period to allow effective evaluation.

7. REASONS FOR REPORT RECOMMENDATIONS

7.1 The decision is sought in order that sufficient lettings are made during this pilot scheme to enable effective evaluation.

SUPPORTING DOCUMENTATION

Appendices: There are none

Documents In Members' Rooms: There are none

Background Documents

1. Local Lettings Plans – General Needs Housing.
Report to the Housing Cabinet Member 17 July 2009.

HOUSING CABINET MEMBER MEETING

Agenda Item 60

Brighton & Hove City Council

Subject: Term Contract for Disabled Adaptations
Date of Meeting: 11 November 2009
Report of: Director of Adult Social Care and Housing
Contact Officer: Name: Alex Dickie Tel: 29-3293
E-mail: alex.dickie@brighton-hove.gov.uk
Key Decision: No
Wards Affected: All

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 This report seeks approval for the retendering of the Adaptations Framework agreement, which currently has four contractors on it, to supply adaptations works in the council's 12,000 public sector homes. This framework guarantees economical prices for work and helps work to be ordered quickly by avoiding the need to obtain a range of quotes for each job. It also ensures specialist contractors who are experienced in the installation of complex and unusual adaptations are employed who are also sensitive to the needs of disabled people.

2. RECOMMENDATIONS:

That the Cabinet Member:

- 2.1 Approve the procurement of the new Adaptations Framework Agreement for the next three years, subject to annual review within the term
- 2.2 Authorise the Director of Adult Social Care and Housing to enter into a framework agreement with contractors following a compliant procurement process.
- 2.3 Authorise the Director of Adult Social Care and Housing to take all steps necessary or incidental to the implementation of recommendations 2.1 and 2.2.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 The Housing Adaptation Service was created in 2000. This team integrated both public and private sector adaptations in order to provide a 'one-stop shop'. This simplified the existing processes across all tenures in Brighton & Hove

3.2 The first term contract for disabled adaptations was instituted in 2001. This ran for 3 year with the option to extend for 1 year. This option was taken up.

3.3 In 2005 the framework agreement for disabled adaptations was retendered. This expired on 31 July 2008 and is currently operating on an extension. Annual budget of £750k (08/09 and 09/10) from the Housing Revenue Account is spent though this system.

3.4 The framework allows Home Improvement Officers in the Housing Adaptations Service to order standard items at competitively tendered prices using a schedule of rates. This eliminates the need to tender every adaptation, saving valuable time in the provision of adaptations. This also ensures a lasting relationship with specialist contractors. Regular review meetings help to continually improve the services provided by these contractors. Officers ordered 477 adaptations through this framework in 08/09. The range of work undertaken by specialist contractors includes:

Level Access Showers	Dropped curbs/crossovers
Over Bath Showers	Hardstandings
Ramps	Kitchen adaptations
Wash & Dry Toilets	Paths/ground works
External Rails	Access to house
Internal Rails	Access to garden

3.5 Benefits of this system to disabled people and their families include a service that is managed outside usual repairs systems giving closer control over contractors by the Housing Adaptation Service. Frequent review meetings with contractors ensure a high overall standard is achieved and customer service by contractor operatives is of the highest quality including a supportive response to people with a range of disabilities. Four contractors on the framework ensure competitive spirit is achieved throughout the contract with contractors striving to compete on quality and service, as well as on prices that are set at the start of the contact. All installations are under warranty for 1 year and failure to promptly resolve defects will affect future orders with the contractor in question. In practise, this ensures a high quality finish on public sector adaptations.

3.6 Use of the new housing repair partnership, recently awarded to Mears, to provide adaptations is possible and can be used in parallel to this framework , if required. The experience of the Housing Adaptation Service is that expert contractors have proved essential to carry out the specialist, bespoke projects involved in the adaptations process. In addition to this such contractors have an understanding of, and sensitivity to, the needs of disabled people. This has been demonstrated in their consistent high rating in our satisfaction questionnaires (see 3.6). Experience of high standards of service and customer satisfaction has lead the Housing Adaptations Service to the recommendation to re-procure subject to annual review within the term.

3.7 Results of client satisfaction questionnaire for contractor 08/09:

Very pleased	79.36%	(223 people)
Pleased	9.96%	(28 people)

Quite pleased	3.92%	(11 people)
Satisfied	2.49%	(7 people)
Dissatisfied	2.89%	(8 people)
Very dissatisfied	1.42%	(4 people)

We will continue to monitor and review reporting of customer satisfaction to ensure tenant input and achieve accurate feedback

4. CONSULTATION

- 4.1 During the Chairman's Tenant Working Group on adaptations which reported to HMCC last year tenant representatives expressed their feeling that work should be 'batched up' to guarantee low prices and ensure adequate resources are available through out the financial year. The framework agreement effectively does this to reduce prices through economies of scale while avoiding the loss of control over individual jobs that can be experienced with a bulk order.
- 4.2 Further consultation would be required in the procurement process in line with best practice. Involving groups such as the Tenants Disability Network or the Brighton and Hove Federation of Disabled People is one possibility. Further suggestions from members are welcomed.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1.1 The 2009/10 Housing Revenue Account Budget included in the Capital Programme for Disabled Adaptations is £750,000 and is currently used to fund specialist works through the Adaptations Measured Term Framework and routine Disabled Adaptations works through the current Housing Repairs Service contractors.
- 5.1.2 The HRA 30 year Business Plan allows funding for Disabled Adaptations of £750,000 per annum for future years. This funding will continue to be spent on routine Disabled Adaptations provided by the Housing Repairs Service contractor (Mears from 2010/11) and Specialist works provided by through the Framework contract that this report seeks to renew.

Finance Officer Consulted: Susie Allen

Date: 30 September 2009

Legal Implications:

- 5.2 The value of the work to be procured under this framework agreement (£2.25m over three years) is below the EU Directive's threshold for 'works', so the Directive, and the corresponding UK Procurement Regulations, do not apply in full to the procurement of this agreement. However, the council's Contract Standing Orders for contracts over £75,000 do apply and should be complied with in relation to the procurement of this framework agreement. Contracts over £75,000 must be prepared in a form approved

by the Head of Law. The Council must take the Human Rights Act into account in respect of its actions but it is not considered that any individual's Human Rights Act rights would be adversely affected by the recommendations in this report.

Lawyer Consulted: Alison Leitch

Date: 30 September 2009

Equalities Implications:

- 5.3 The nature of disabled adaptations is to promote the equality of disabled people and empower them to be as independent as possible within their own home and to be able to access the local community.

Sustainability Implications:

- 5.4 Timely provision of adaptations allows disabled people to maintain their independence and contributes towards the council's vision for sustainable communities

Crime & Disorder Implications:

- 5.5 No foreseeable implications

Risk & Opportunity Management Implications:

- 5.6 Construction work does include inherent risks however the Housing Adaptation Service carries out its duties as client and designer under HSE Construction (Design and Management) 2007 regulations.

- 5.6.1 Health and Safety is a standing item on all contractor review meetings.

Corporate / Citywide Implications:

- 5.7 The following council priorities are directly supported by the approval of the term contract for disabled adaptations:

Reduce inequality by increasing opportunity – disabled people are empowered to live safely and independently in their own home and enabled to access the local community

Better use of public money – competitive tendering ensures the best value services can be procured

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 See 3.5 and 3.6

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 Ensure best value

- 7.2 Ensure quick work flow and avoid delays to adaptations

7.3 Ensure high-quality, accountably provided adaptations

SUPPORTING DOCUMENTATION

Appendices:

1. None

Documents in Members' Rooms

1. None

Background Documents

1. None

HOUSING CABINET MEMBER MEETING

Agenda Item 61

Brighton & Hove City Council

Subject:	Contract Unit Performance and Monitoring Working Age Adult Learning Disabilities Services, January to June 2009		
Date of Meeting:	11 th November 2009		
Report of:	Joy Hollister		
Contact Officer:	Name: Judith Cooper	Tel:	296313
	E-mail:	Judith.cooper@brighton-hove.gov.uk	
Key Decision	No		
Wards Affected:	All		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 To provide governance information on the performance and monitoring of Under 65s (working age adult) services to people with learning disabilities, for the period 1 January to 30 June 2009, in order to drive up quality through robust and transparent monitoring procedures
- 1.2 For the report to cover both the independent and council sector. Services referred to in this report involve spend of approximately **£30,864,000** per annum of which **£9,418,000** is funded by client contributions, Health and other joint arrangements. This total figure includes all in-house services.

Service type	Gross budget	General income	Health funding	Net budget
In-house services	£8,831,000	£1,582,000	£5,248,000	£2,001,000
Community Care	£22,033,000	£2,081,000	£ 507,000	£19,445,000
TOTAL	£30,864,000	£-3,663,000	£5,755,000	£21,446,000

2. RECOMMENDATIONS:

- 2.1 That the Cabinet Member notes and provides comment on the report.
- 2.2 A further recommendation is to produce reports on a regular basis. The next report will cover the period 1 July to 31 March 2010, and thereafter every 6 months.

3. RELEVANT INFORMATION

Service user data has been drawn from CareFirst 6.

Definitions of types of care and payments are found in Appendix 1.

LEARNING DISABILITIES

3.1 Learning Disabilities were the Adult Social Care pilot service for individual budgets using the Resource Allocation System assessment as a tool to identify the needs of the individual. There are now 24 people with learning disabilities with individual budgets paying for 43 services (covering a range of respite, community support and day care). 15 of these services were agreed up between January and June 2009 and 5 in the same period of 2008.

3.2 RESIDENTIAL CARE HOMES

3.2.1 There were only 11 referrals of people with learning disabilities into residential care homes within the 6 months between January and June 2009. However, only 3 of these were new placements; the remainder involved movement between homes (usually due to changing needs of the individuals). This reflects the joint strategic commissioning approach taken by BHCC and NHS Brighton & Hove which is to provide a variety of flexible and easily accessed services in community settings.

3.2.2 However, there is a long-term core of people who are currently in residential care. 271 people received residential care between January and June 2009, compared with 281 in the same 6 months of 2008; a small change, but reflecting the approach to support people in their own homes. Additionally rolling (or regular) respite care was provided for 27 people in January to June 2009 and 25 in January to June 2008.

3.2.3 Residential establishments are subject to CQC national standards and are rated accordingly:

Type of home	No. in BHCC+	Capacity (beds)	CQC rating				
			Poor	Adequate	Good	Excellent	NYR*
Local authority	7	35	0	1	4	0	2
Private	29	231	0	2	22	4	1
Voluntary	3	23	0	0	2	1	0
TOTALS	39	289	0	3	28	5	3

+ Excludes 1 home for OPLD

*NYR = not yet rated

Of the 39 providers 33 are rated either Good or Excellent by CQC, which is 84.6% of the total. Excluding those not yet rated this figure is 92%.

3.2.4 Any home that receives a poor or average rating will not have any new BHCC clients placed there until they reach the required standard. However, a service user who is in such a home is risk assessed and if deemed to be at no risk will not be moved (unless the home deteriorates more).

3.2.5 The Contracts Unit also undertake Desk Top Reviews once a CQC inspection report is made public. If the risk assessment outcome is medium or high then monitoring visits, contract reviews or audits will be undertaken to the homes to support the managers to reach the required standards. Between January and June 2009 3 DTRs took place. The outcome was LOW risk for all three so no further action needed to be taken.

3.3 COMMUNITY SUPPORT SERVICES

- 3.3.1 Learning Disabilities community support services are an area that will be subject to expansion in the coming years within BHCC because of the strategic shift from provision of residential care to supporting people to remain independent, either in a supported environment or in their own homes. This reflects the key messages of the government's strategy for people with learning disabilities "Valuing People Now: a new three-year strategy for people with learning disabilities" (January 2009).
- 3.3.2 Community Support Services for people with learning disabilities includes Supported Living, Supported Accommodation, Day Care, home care and Shared Lives services.
- 3.3.3 Between January and June 2009 64 people received community support/home care services in comparison to 61 in the same period in 2008. However, many service users receive several services that build up their individualised service agreements that allow them to remain in the community. Thus, the 64 people in the 2009 figure above received 99 services and in 2008 61 people received 112 services.
- 3.3.4 Between January and May 2009 the Contracts Unit supported the tender process for the Westbourne project, a 10-unit Supported Living service. One 5-bed unit is to support people short-term before moving on to more independent living and the other 5-bed unit is for long-term service users with complex needs and potentially challenging behaviours. The tender included participation from service users, families and advocates as part of the evaluation and interview process. Westbourne opens in November 2009.

3.4 ACTIVE LIVES (DAY CARE)

- 3.4.1 277 people with Learning Disabilities attended Day Care services between January and June 2009 and 299 in the same 6 month period in 2008 which represents a reduction of over 7%.
- 3.4.2 As day services are not registered and inspected by CQC the Contracts Unit carry out annual audits to monitor the quality of provision to ensure that the service is meeting standards based on those used by CQC for other services. There are 5 day centres for people with learning disabilities in BHCC which are audited on a rolling timetable. In 2008 concerns were expressed about one service which continued to be monitored; in 2009 it had improved and was providing a good quality service. Currently no day services are a cause of concern.

3.5 SAFEGUARDING

- 3.5.1 The Safeguarding of vulnerable adults from abuse and neglect is a critical aspect of social care. The Contracts Unit is part of the safeguarding process in place within BHCC and also uses the information to feed its performance monitoring systems, namely desk top reviews, audits and contract reviews. The Contracts Unit encourages reporting of all alerts to the Unit and has active involvement in strategy meetings and follow-up actions.

3.6 QUALITY

- 3.6.1 The performance monitoring carried out by the Contracts Unit is designed to maintain and improve the quality of social care services for BHCC residents with learning disabilities as well as keeping people safe and obtaining value for money. In addition to reviewing CQC reports and carrying out desk top reviews etc of services all service users have individualised person centred care plans which identify specific goals and outcomes and are monitored through review. This should then ensure that both the service provision and the services that individual service users receive are of good quality.

4. CONSULTATION

- 4.1. All BHCC monitoring arrangements relating to care homes and other services have been agreed with the relevant providers via the contracting processes.

5. FINANCIAL & OTHER IMPLICATIONS:

5.1 Financial Implications:

There are no direct financial implications arising from the report. Services referred to in this report involve spend of approximately **£30,864,000** per annum of which **£9,418,000** is funded by client contributions, Health and other joint arrangements. This total figure includes all in-house services.

Finance Officer Consulted: Neil Smith Bentley, Accountant for Housing Strategy
Date: 16/10/09

5.2 Legal Implications:

There are no specific contractual/procurement issues, however in general contracts must be entered into in compliance with the Council's contract standing orders and where appropriate EU and UK procurement laws; and in such a manner as to ensure transparency, non discrimination and value for money. The Council must take the Human Rights Act into account in respect of its actions but it is not considered that any individual's Human Rights Act rights would be adversely affected by the recommendations in this report.

Lawyer Consulted: Sonia Likhari, Contracts Lawyer *Date:* 08/10/09

5.3 Equalities Implications:

Equalities underpin all social care contractual arrangements.

5.4 Sustainability Implications:

None identified

5.5 Crime & Disorder Implications:

None identified

5.6 Risk and Opportunity Management Implications:

None identified

5.7 Corporate/Citywide Implications:

Measuring the performance and quality of care homes and community support providers helps towards meeting the Council's priority of ensuring better use of public money.

6. EVALUATION OF ANY ALTERNATIVE OPTIONS

This Report is for information and not an evaluation of any alternative options.

7. REASON FOR REPORT RECOMMENDATIONS

- 7.1 The reason for this Report is to ensure monitoring processes are transparent and robust which will result in improvement to services and value for money. It is also to ensure that the Cabinet member for Housing is kept abreast of key governance arrangements in care homes, community support and day care services for people with learning disabilities.

SUPPORTING DOCUMENTATION

Appendix 1

Definitions:

Residential care	Includes care homes for long or short term care which provide accommodation, meals and personal care and the vast majority of care falls within this category. It also includes respite care.
Shared Lives	Formerly the Adult Placement Scheme this refers to family-based services for adults with support needs, where they share family life. This type of support is both flexible and highly personalised. The opportunity to share family life reduces isolation and promotes community involvement, as well as helping people to learn the skills that they need to live as independently as possible. Shared lives can provide long term accommodation and care/support or short breaks and day care.
Home Care	Home Care services offer practical help and support to people at home with essential daily tasks they are unable to manage safely for themselves. For example, this help may be in the form of assisting you to get up or go to bed, to get washed or to get dressed, or help with shopping, laundry, etc. Aim to help people live as independently as possible and to encourage people to regain skills they may have lost because of illness or disability. Support at home can be arranged yourself using Direct Payments or the service can be provided to you by a private or voluntary organisation.
Supported Living	Services for people with learning disabilities and comprise accommodation and separately provided support. Support can be for a few hours a week, everyday, overnight or 24 hours a day. The support is carefully planned to meet their needs to live independently People can choose to live by themselves or share with others.
Supported Accommodation	Covers learning disabilities, physical disabilities and mental health, with these services it is the same provider for accommodation and support. Can be short or long term, includes necessary personal care, meals and laundry to help you cope with every day living.
Community support (stand-alone service)	Part of Home Care, the service user is supported to enhance their social skills and engage in community activities e.g. theatre visits, holidays, attending college etc.
Day Care/Active Lives	Day care includes any kind of planned activity that takes place out of the home during the day including going to a Day Centre. Day centres are provided by local social care services, by voluntary or community organisations, or are privately run. Many day centres provide a range of planned activities inside and outside the centre, including horse riding and gardening. Day care also includes outreach services into the community. This is a specific function and is identified in Person Centred Plans.
Direct Payments	A critical part of the government's personalisation agenda as stated in "Putting people first: a shared vision and commitment to the transformation

	of adult social care” (December 2007). DPs allow people to have greater choice and control over their lives as they make their own decisions about how their care is delivered.
Individual budgets	Another aspect of personalisation, Individual Budgets are designed to bring about independence and choice for people receiving care or support by giving people a clear, up front idea about how much money is available for their support. Thus, people are empowered to take control and make decisions about the care that they receive.
Desk Top Reviews	DTRs are a performance tool used by the Contract Unit to assess residential care homes. They take place after a Care Quality Commission report has come out. A DTR includes an analysis of all available information including the CQC report, Service User, relative and advocates questionnaires, feedback from reviewing officers, Safeguarding alerts and health and safety issues. A risk assessment is then made (low, medium, high) and recommendations may be made, including whether to continue placing at a home.
Care Quality Commission	The CQC is the independent regulator of health and social care in England.

Appendix 2

Care Quality Commission Key National Minimum Standards performance data from the Local Area Market Analysis 2009

The data below refers to performance management, i.e. the quality of the services offered and the calibre of the staff, and how many homes meet each key minimum standard.

The data compares the total figure for England for each category with the figure for BHCC, and then converts each to a percentage of the number of services that meet the standard, so that it is possible to compare BHCC with the national picture.

Please note that these figures include mental health and physical disabilities (including sensory loss) as well Learning Disabilities services.

Performance management sets clear targets for delivering priorities. Progress is monitored systematically & accurately. Innovation and initiative are encouraged & risks are managed.

	England	Brighton & Hove
Day to Day Operations		
Care Homes Younger Adults	83.1% (met the standard) (of 6917 homes)	91.1% (45 homes)
Management		
Shared Lives (Adult Placement Schemes)	80.6% (129)	33.3% (3)
Qualifications		
Care Homes Younger Adults	86.4% (6832)	77.8% (45)
Recruitment		
Care Homes Younger Adults	81.1% (6817)	88.9% (45)
Staff Training		
Care Homes Younger Adults	81.1% (6859)	93.3% (45)
Adult Placement Schemes	78.3% (129)	33.3% (3)
Quality Assurance		
Care Homes Younger Adults	77.9% (6892)	86.7% (45)
Adult Placement Schemes	93.8% (129)	100.0% (3)

HOUSING CABINET MEMBER MEETING

Agenda Item 62

Brighton & Hove City Council

Subject:	Keeping People with Learning Disabilities Safe - Safeguarding Report 08/09		
Date of Meeting:	11th November 2009		
Report of:	Joy Hollister Director Adult Social Care & Housing		
Contact Officer:	Name:	Steve Hook	Tel: 29-5550
	E-mail:	steve.hook@brighton-hove.gov.uk	
Key Decision:	No		
Wards Affected:	All		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 As agreed by the Joint Commissioning Board in March 2009 a report on keeping people with learning disabilities safe (safeguarding) be presented annually to the Housing Cabinet Member Meeting and the Joint Commissioning Board.
- 1.2 The report will outline key issues and current and future action to ensure we are safeguarding people with learning disabilities in the city.

2. RECOMMENDATIONS:

- 2.1 (1) That the lead member notes the content of the 08/09 Annual Safeguarding Report for people with Learning Disabilities.

(2) To support the Lead Member in discharging their governance responsibilities in relation to the Safeguarding of people with learning disabilities in the city, the Lead Member will receive a quarterly report that provides statistical information and reassurance regarding the safeguarding work being undertaken in the city by the Community Learning Disability Team.

(3) That the Lead Member advises whether the format and content of the current report is sufficient to meet the Lead Member's requirements.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 The need to brief The Joint Commissioning Board regarding Safeguarding for people with learning disabilities has arisen for a number of reasons, linked to quality of care and human rights issues through NHS Trusts' funding and provision of services for people with learning disabilities elsewhere in the country, most notably in Cornwall and Sutton and Merton.

- 3.2 In 2005, the Healthcare Commission and Commission for Social Care Inspection undertook a joint investigation into services for people with learning disabilities at Cornwall Partnership NHS Trust. The findings of the investigation recorded over 40 cases where people with learning disabilities receiving care services from the Trust were being treated badly or abused and there was widespread institutional abuse perpetrated across the organisation at all levels of staff and management. The investigation also found significant evidence of poor record keeping and care planning, a lack of staff training and little or no reviewing of peoples' needs by Social Services.
- 3.3 A more detailed report concerning the Cornwall Investigation and action plan arising out of the investigation was considered at the Joint Commissioning Board in October 2006. The result of this recommended that the JCB receive a report on the work of the Learning Disability Partnership Board every year.
- 3.4 A similar investigation with similar findings was undertaken by the Healthcare Commission into the service for people with learning disabilities provided by Sutton and Merton Primary Care Trust in January 2007. Again, the findings of the investigation noted a poor quality of service provision, linked to Institutional abuse where the needs of service user were sacrificed in favour of the routines and needs of the institution.
- 3.5 The Joint Committee on Human Rights published a report in 2007 called "A Life Like Any Other?" The report looked into whether people with learning disabilities were having their basic human rights met through a number of ways, and judged whether the lives and experiences of people with learning disabilities in the country measured up to what Valuing People stated they should be like. The report found that there remained large areas of peoples' lives where they did not get good access to healthcare services, housing services and other things like employment services and continued to have their human rights compromised due to their disabilities.
- 3.6 The recommendation from the report was to ensure the Office for Disability Issues to work closely with the Equality and Human Rights Commission to help make sure authorities and staff know how they can make services better, fairer and more equal for people with learning disabilities across the country. It also noted areas from "Valuing People" (2001) the government White Paper about services for people with learning disabilities that had not been implemented, and recommended that these Disability Equity and Human Rights issues be addressed in "Valuing People Now", including how agencies must work together and be better regulated to keep people with learning disabilities safe.

- 3.7 “Valuing People Now: a new three-year strategy for people with learning disabilities” (2009) sets out how the issues and recommendations from the Cornwall, Sutton and Merton Investigations and a life Like any Other should be implemented, as well as addressing the aspects of Valuing People that were not achieved. “Chapter 4: People as Citizens”, specifically sets out how services should work together to keep people safe in the community and at home. VPN states that people with learning disabilities will be consulted with as part of the Departments of Health’s (DH) review of “No Secrets”¹, the joint publication by the DH and Home Office in 2000 upon which the current Multi-Agency Policy and Procedures for Safeguarding Vulnerable Adults are based. The DH will publish revised No Secrets guidance following extensive consultation.
- 3.8 As part of the Delivery Plan for VPN, NHS Brighton and Hove alongside all other PCT’s in England and Wales are required to submit a return to the Valuing People Support Team by 31 December on how their commissioning processes are addressing the health and disability inequalities identified in the enquiries above. The “Learning Disabilities Health Performance and Self Assessment Framework 2009 includes a section (3) on ensuring that people with learning disabilities who are in services the NHS commissions or provides, are safe. This return requires NHS Brighton and Hove to have an awareness of the safeguarding procedures and activity relating to learning disabilities within Brighton and Hove.
- 3.9 The (new) Sussex-wide Multi-Agency Safeguarding Policy and Procedures, produced by the Safeguarding Boards of Brighton and Hove, East Sussex and West Sussex were published and implemented in June 2007, and is the current safeguarding framework within which Safeguarding Investigations and activity operates. It builds upon and extends the previous Brighton and Hove and East Sussex Procedures to become Sussex-wide and includes the recommendations from “Safeguarding Adults” a National Framework document for safeguarding vulnerable adults, produced in October 2005 by the Association of Directors of Social Services, with the DH and Association of Chief Police Officers.
- 3.10 These procedures represent a continued commitment to ensuring the vulnerable adults can live in their communities in greater safety and are the local codes of safeguarding practice across the whole of Sussex, endorsed by a wide range of statutory and voluntary organisations. These agencies have agreed to co-operate on all aspects of work with vulnerable adults where abuse has been alleged. It is noted that the Director of Adult Social Care and Housing chairs the multi-agency Safeguarding Adults Board. The Board meets quarterly with all key agencies represented to take a strategic overview of the Safeguarding work being undertaken in the city. This includes the Safeguarding of Adults with Learning Disabilities.

¹ Safeguarding Adults: A Consultation on the Review of the “No Secrets” Guidance, DH, 2008

- 3.11 These procedures differ radically from the previous ones mainly in that the previous procedures adopted a single investigation framework, irrespective of the scale and seriousness of the alleged abuse or “alert” of abuse. This resulted at times in an inflexible safeguarding framework where minor instances had to follow the same protocols as more serious alerts, and created some significant inefficiencies within services in how safeguarding investigations were carried out.
- 3.12 The current Framework for Investigations has four “levels” of investigation, intended to assist practitioners in deciding the most appropriate level of response to an initial safeguarding referral or alert, and to help promote consistent decision-making. They are summarised as follows:

- **Level 1 Investigations:** “One-off” isolated incident that has not adversely affected the physical, psychological or emotional well-being of the vulnerable adult. Interventions are supervised by an Investigating Manager but carried out by service providers.

Example: There was an allegation of physical abuse after it was alleged that a service user had been bitten by another service user whilst at a day centre. In this instance there was a time delay in staff being aware of what had allegedly happened as the service user did not report the incident until sometime after the incident. The investigators report gathered information from all appropriate parties but was not able to gather any direct or circumstantial evidence confirming or not confirming that the incident had occurred as described. The outcome of the investigation therefore was inconclusive. However the success of the investigation and its outcome was that it raised awareness of all support staff as to potential risks that could exist when this person attended a day service. It led to a change in the support guidelines and it offered the service user who made the allegation reassurance that issues would be addressed. There have been no further allegations made since this investigation.

- **Level 2 Investigations:** The physical, psychological or emotional well-being of the vulnerable adult may be adversely affected and the concerns reflect difficulties and tensions in the way current services are provided to the vulnerable adult. Intervention by the Investigation Team to re-assess or review the needs of the vulnerable adult within the context of the presenting concerns.

Example: CLDT received allegations of financial, abuse perpetrated upon a vulnerable adult within the community by someone who knew him. The abuse was alleged to have occurred whilst the person was unsupported within the community. The facts of this case were that the Community Support Team raised the alert after it emerged that the person had withdrawn money for a woman he was friends with, who was known to CLDT from previously having been alleged to have exploited vulnerable adults with a learning disability. The alert was made on the suspicion that the person could be being abused due to the sum of the money being spent.

The review process involved spending time and developing a trusting relationship with the person alleged to have been abused. This allowed a full disclosure of the events and an opportunity to assess the capacity of the individual to make the decisions that they had made. In this instance the allegation was unsubstantiated because the person had a full understanding

of what they were doing and had withdrawn the money as part of the consensual relationship that they were having, even though CLDT judged that it may not have been a wise decision, it was not abuse. Although the case did not require a subsequent protection plan to be put in place, by completing the review with the individual they now have a good understanding of how the CLDT could support them if they were being abused and feel that they could return back for further advice or support without being judged.

- **Level 3 Investigations:** The physical, psychological or emotional well-being of the vulnerable adult has been adversely affected and a criminal offence may have been committed. Intervention is through a formal safeguarding enquiry or Investigation by the Investigating Team.

Example: A service user with a learning disability and challenging needs, due to his deteriorating mental health, attacked another tenant of the same home with a blunt knife, causing superficial wounds to the victim's back. The home specialised in providing services for people with hearing impairment. Neither person involved in the incident was placed by Brighton and Hove. CLDT were alerted to the attack at the time the alleged perpetrator was being arrested by the Police. An emergency Strategy Meeting was held with the provider and police due to the immediacy and seriousness of the situation. A member of staff witnessed the attack and so the case conference decision was to substantiate the allegation. The alleged perpetrator was not interviewed by the investigating Officer as the Police lead on this part of the investigation. However, the service user was consequently sectioned under the Mental Health Act into an assessment and treatment unit. CLDT subsequently worked with the placing authority and advised that the hearing impaired service was not the most appropriate service to meet the alleged perpetrator's needs, as it did not have the skills to manage his challenging needs. The protection plan was then subsequently in place for the alleged victim as the perpetrator did not return to that service.

Level 4 Investigations: Where institutional abuse is alleged to have happened and a number of vulnerable adults may have been adversely affected. Criminal offences may have been committed and multiple breaches of regulations may have occurred. Intervention is through a complex Multi-agency safeguarding investigation.

Example: There was only one level 4 alert for 2008-09, within a registered care home for adults with learning disabilities. An ex-member of staff alerted CLDT to what they believed was institutional abuse on the part of the manager of the home. A Strategy meeting was held with the relevant CSCI Inspector, who agreed to undertake an unannounced inspection of the home as part of the Safeguarding investigation, against the issues that had been contained in the alert. The safeguarding Investigating Officer also met with service users in their day service, so as not to alert the manager of the home. However, although the home was regarded as somewhat traditional in its approach to the care given to the service users, it was not viewed as abusive. The allegation was therefore not substantiated at case Conference.

3.13 The Care Management and Assessment Team within the Community Learning Disability Team (CLDT) in Brighton and Hove holds responsibility for Safeguarding for adults with learning disabilities. The team comprises around 20 staff of Care Managers, Social Workers and Senior Social Workers who are appropriately qualified and trained in the procedures. Care Managers investigate level 2 alerts via a review and Social Workers undertake level 3 investigations. Level 4 investigations are undertaken by Senior Social Workers and Managers.

3.14 Where appropriate for level 3 and 4 investigations, where there may have been a criminal act committed, such as forms of assault, theft etc, CLDT works in partnership with Sussex Police, who attend strategy meetings and would often initially lead an investigation in its early stages, until a criminal offence has been ruled out. The Safeguarding Investigating Officers continue to develop their working relationship with the Police and attend "Achieving Best evidence Training" (ABE) with the Police in order to be able to interview vulnerable adults appropriately with the required amount of support for the alleged victim.

There continue to be improvements in processes with the Police, although the different command structure in Brighton and Hove continues to cause some barriers to Safeguarding Investigations with the Police as the safeguarding work does not sit solely within the Anti-Victimisation in Brighton and Hove unit as it does within East and West Sussex.

3.15 The team have implemented the Multi-Agency procedures robustly within CLDT and safeguarding work currently accounts for around 35% of the total activity within the team. Safeguarding activity is recorded both in Carefirst, the electronic social care recording system used by the local authority and on a database designed within the team, to give a more detailed breakdown of safeguarding activity. The safeguarding activity for the year 2008-09 is attached to this report as APPENDIX 1 and provides a breakdown of alerts, levels of investigation and whether or not the allegations were substantiated or not.

3.16 Activity Analysis:

3.16.1 Alerts:

- 2006-07- there were 93 Safeguarding alerts
- 2007-08- there were 187 Safeguarding alerts- over 100% increase
- 2008-09- there were 193 Safeguarding alerts- 3% increase

Alerts are shown in APP1 p.3. The significant increase from 2006-07 to 2007-08 were due to two main factors: the implementation of the new procedures in 2007 included an extensive training and awareness raising programme for social care and health providers and which had a significant impact on the increase in alerts. CLDT also implemented its database from 2007 resulting in better data collection and reporting. The levelling out of alerts between the past two years is a pattern consistent with the data across Sussex for vulnerable adults.

3.16.2 Types of Abuse: The most significant alerted and investigated was physical abuse, accounting for 103 alerts (APP1 p.4). It should be noted that one alert may signify more than one type of abuse so numbers of types of abuse often exceed total alerts recorded for a year.

Psychological abuse has increased significantly within the alerts from 17 in 2007/08 to 54. There is currently no significant cause for this as far as can be determined from investigations, other than perhaps increased awareness from providers of what may constitute psychological abuse.

Financial/material abuse has been the other most significant alert for 08-09 doubling from 21 to 42 alerts. Given that CLDT currently supports 109 people with a learning disability through self-directed support, either through a direct payment or some form of individual budget, careful scrutiny was given as to whether there developed a causal link between the increase in personalisation and financial abuse. However, to date none of the financial abuse alerts from 2008-09 were related to those individuals who managed their money through and Direct Payment or Individual Budget. This will continue to be monitored into the future.

3.16.3 Response Levels: There is a significant link between the majority of alerts being physical abuse and being investigated at level 1 (82 at level 1), which comprise low level incidents within provider services, mainly in accommodation services and day services, involving user-to-user incidents. Again the pattern of these responses has been consistent for the past 2-3 years (APP1 p.5) and is a positive indicator of the good level of awareness in provider services within the city of the need to alert the assessment team when abuse may be happening, even if it is relatively low level and the vulnerable adults has not come to significant harm. This level of monitoring has allowed the team to become more sophisticated in how it addresses these "low level" incidents with providers.

The level 2 responses for 08-09 year where a person receives a review of their needs have reduced from 32 to 11 investigations, which is mainly due to the team focussing investigations at level 3. CLDT made a decision to escalate from level 2 to level 3, where a level 2 investigation may already have been previously undertaken and a similar incident has reoccurred.

Level 3 investigations have increased, due partly to escalating level 2 investigations where a review of the service has not been sufficient to mediate the risk to the vulnerable adult.

There was only one level 4 investigation, summarised in 3.12 above

3.16.4 Alert/Investigation Outcomes: The majority of alerts that lead to an investigation were substantiated 76 (APP1 p.6) , which again reflects the link to the alerts being level 1 physical abuse alerts, as the abuse was witnessed, most often by a member of staff.

Overall, from the 193 alerts, 39.5% (76) were substantiated, the majority of those being at level 1 (APP.1 p.10).

Unsubstantiated allegations were as a result of the remaining level 1 investigations and level 3 investigations. (APP1 p.10) All substantiated allegations have been subject to a safeguarding or protection plan being implemented for the individual.

3.16.5 Time scales: further work needs to be undertaken within the team and with providers regarding how level 1 and level 3 investigations in particular meet the 14 day time frame for level 1 investigations and the 3 day initial time scales to contact the vulnerable adult for level 3 investigations. The multi-agency nature of this process continues to challenge the ability of an Investigating Officer to achieve this. APP 1. p.11 provides an overview of average time frames to complete investigations.

3.16.6 The Impact of the Personalisation Agenda: “Putting People First” (2007) signalled a significant shift in how local authorities, in partnership with the NHS and the Independent and third sector, need to shift the focus of modes of service access and services provision to reflect the higher expectations and changing needs of the nations adult population. It signals a re-balancing of responsibilities between the state, the family and the individual.

The progress of the personalisation agenda through Self Directed Support, Individual Budgets, Direct payments etc signal the need for local authorities to be less controlling. This has clear implications for safeguarding and to ensure that there continues to be robust monitoring and governance systems in place to prevent or at least highlight quickly if vulnerable adults are at greater risk of financial, material or psychological abuse as a result of being given a greater level of autonomy in how they use their allocation of funds to meet their identified needs.

A Risk Enablement Panel has been set up, chaired by the Adult Social Care lead for Safeguarding, to ensure we get the correct balance in terms of respecting the rights of individuals to manage their own resources and lives in the spirit of Putting People First, against the risks of exploitation and abuse that may arise.

EXAMPLE: for 2008-09, one panel was convened for a young man with a mild learning disability and some challenging needs who wished to significantly reduce the cost of his care package in order to be able to live back at home with his parents and have greater freedom and flexibility with regard to what he did during the day. The panel considered the risks and agreed to the reduction with a view to reviewing the situation within 6 months or sooner if his placement back at home deteriorated. This care package has since been increased again, but the young man remains at home, where he was previously in a high cost residential placement.

There has been a recent decision to amalgamate and convene one Risk Enablement Panel across Adult Social Care and Integrated Learning Disability Services to ensure practice is consistent and learning can be gained regarding how best to develop this piece of work in the light of the personalisation agenda.

3.16.7 Development Work for 2009-10:

Reviewing OOA Safeguarding Investigations:

CLDT have approximately 115 people placed out of city, 70 in East and West Sussex and 45 out of Sussex altogether. Safeguarding protocols nationally rule that the local safeguarding team leads on an investigation, with the involvement of the placing authority. CLDT plan to review how our involvement can be more robust, given the complexity of the needs of our O.O.A placements.

Continuing Health Care Reviews:

CLDT are currently working with the Continuing Health care team to ensure our CHC funded services users are reviewed jointly between the CHC team and the local authority, even though funding comes from the NHS. This is critical as again, many of our CHC-funded clients are those that have the most complex health and challenging needs. A protocol for reviews is being developed to make sure there continues to be scrutiny and support from the local authority in this regard.

4. CONSULTATION:

- 4.1 Safeguarding issues and activity are reported to the Learning Disability Partnership Board every six months.
- 4.2 There is also an Adult Social Care Annual Report on safeguarding, which includes Learning Disabilities Services presented to the Joint Commissioning Board.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 Individual vulnerable adults may require adjustments to their care packages as part of a safeguarding plan. These are managed on a case by case basis and within existing resources. Should Safeguarding activity within CLDT continue to increase in line with previous years, there would be a resultant pressure on staffing resources within the assessment and care management which would need to be identified and addressed through future Health and Social Care Budget Strategies.

Finance Officer Consulted: Anne Silley

Date: 26 Oct '09

Legal Implications:

- 5.2 The relevant national and local context to current Safeguarding practice is comprehensively set out in the body of this report. The Local Authority has a statutory duty to protect all vulnerable adults in the City and to ensure that their Human Rights as enshrined in the Human Rights Act are not breached. Robust Safeguarding procedure and practice are essential elements in adherence to such legal requirements. The Governance role of the Lead Member is important in monitoring and making recommendations for improvement of Safeguarding practice and implementation given the recommendations of the Central Government enquiries referred to in the body of the report.

Lawyer Consulted:

Sandra O'Brien

Date: 2 Nov '09

Equalities Implications:

- 5.3 The Equalities implications for safeguarding people with learning disabilities are set out as part of the Equalities Impact Assessment carried out this year in relation to the Care Management and Assessment Team within the Community Learning Disability Team as a whole.

Sustainability Implications:

- 5.4 There are no significant sustainability Implications.

Crime & Disorder Implications:

- 5.5 As set out in the main body of the report, the multi-agency Safeguarding Procedures include the requirement to work in partnership with Sussex Police should a potential crime have been committed as identified within a safeguarding alert.

Risk and Opportunity Management Implications:

- 5.6 Through the Safeguarding Procedures and activity risks of harm and the consequent management and reduction of those risks to vulnerable adults with a learning disability are identified.

Corporate / Citywide Implications:

- 5.7 Safeguarding Performance across Adult Social Care including Learning Disability Services forms part of the overall judgements that CQC make in relation to the City Council's Social Care performance.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 There are no alternative options to implementing the Multi-Agency Safeguarding procedures within Brighton and Hove.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 That the Lead Member notes the content of this report.

SUPPORTING DOCUMENTATION

Appendices:

1. Learning Disability Services Annual Safeguarding Report 08/09

Background Documents:

1. Sussex Multi-Agency Policy and procedures for Safeguarding Vulnerable Adults (2006)
2. Valuing People Now: a new three-year strategy for people with learning disabilities (2009)

Community Learning Disability Service

Safeguarding Adults Report 2008/09

*Compiled by Glenn Chubb, CLDT Information Officer.
All data accurate as of **Tuesday 22nd September 2009***

APPENDIX 1

The following report displays data recorded for the financial year of 2008/09 relating to safeguarding adults within the Community Learning Disability Service. All data is accurate at the time of reporting. Please note that due to the nature of Safeguarding Adults, some alerts are still open and as yet not all data for the year is available. Please ensure to read the notes throughout the report for further explanations and other important points.

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Graphs and Yearly Comparisons

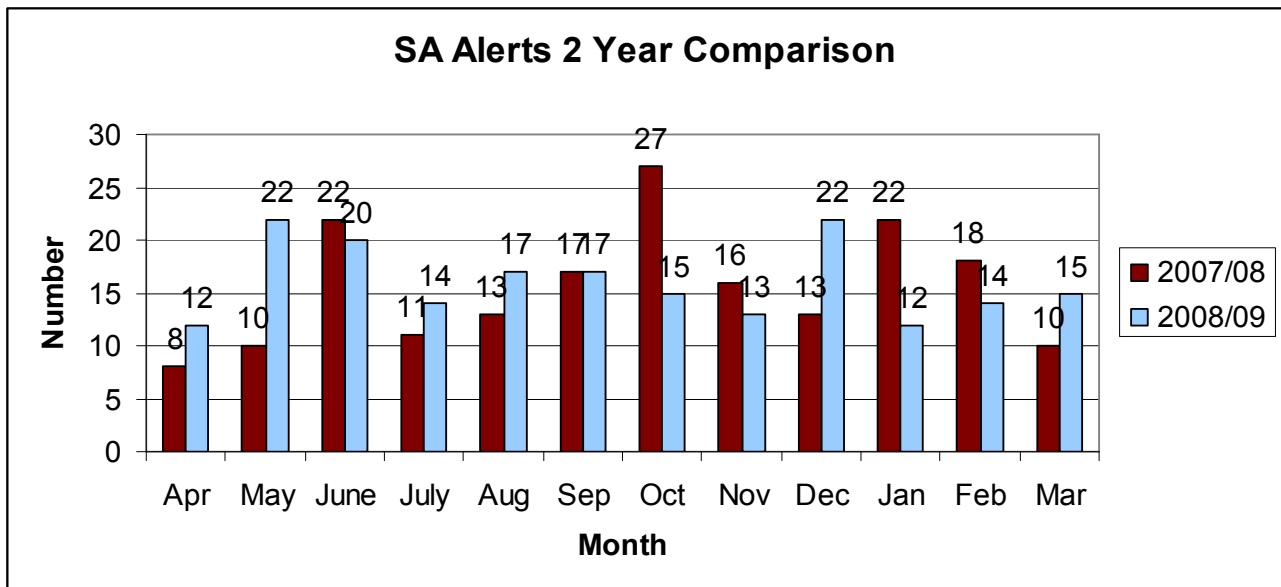
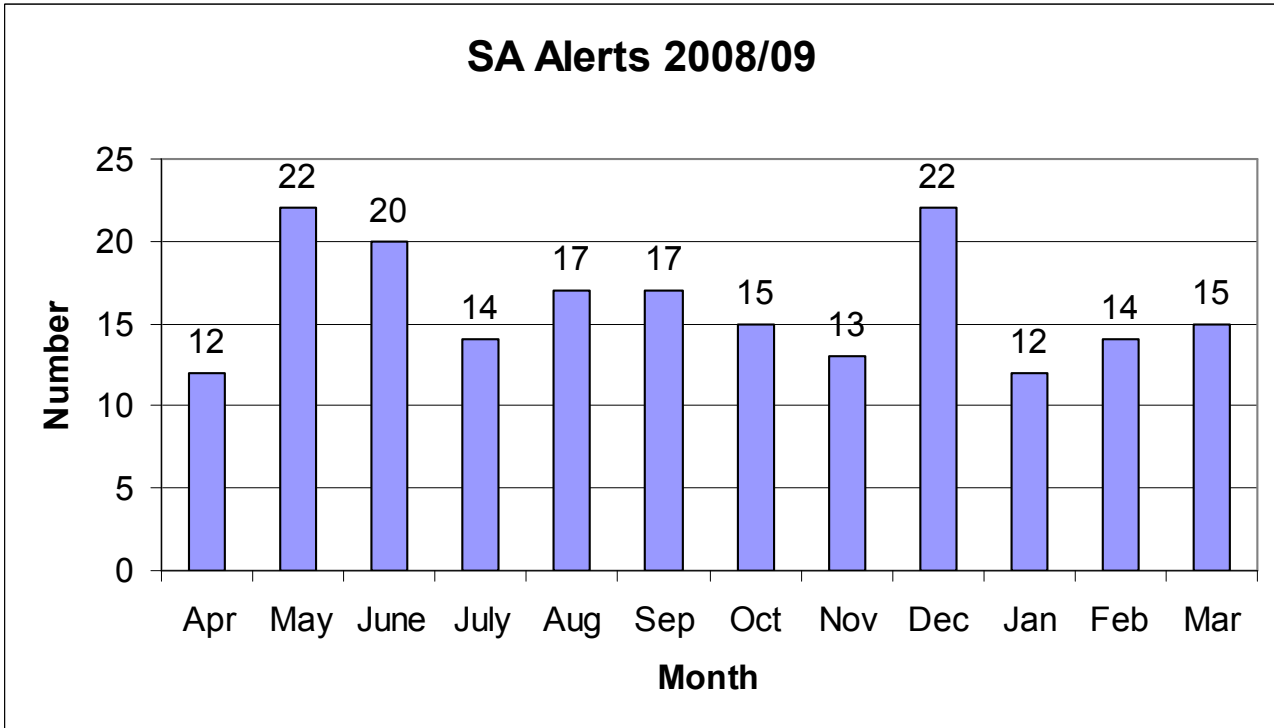
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Percentages, Breakdowns and Data

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Alert totals

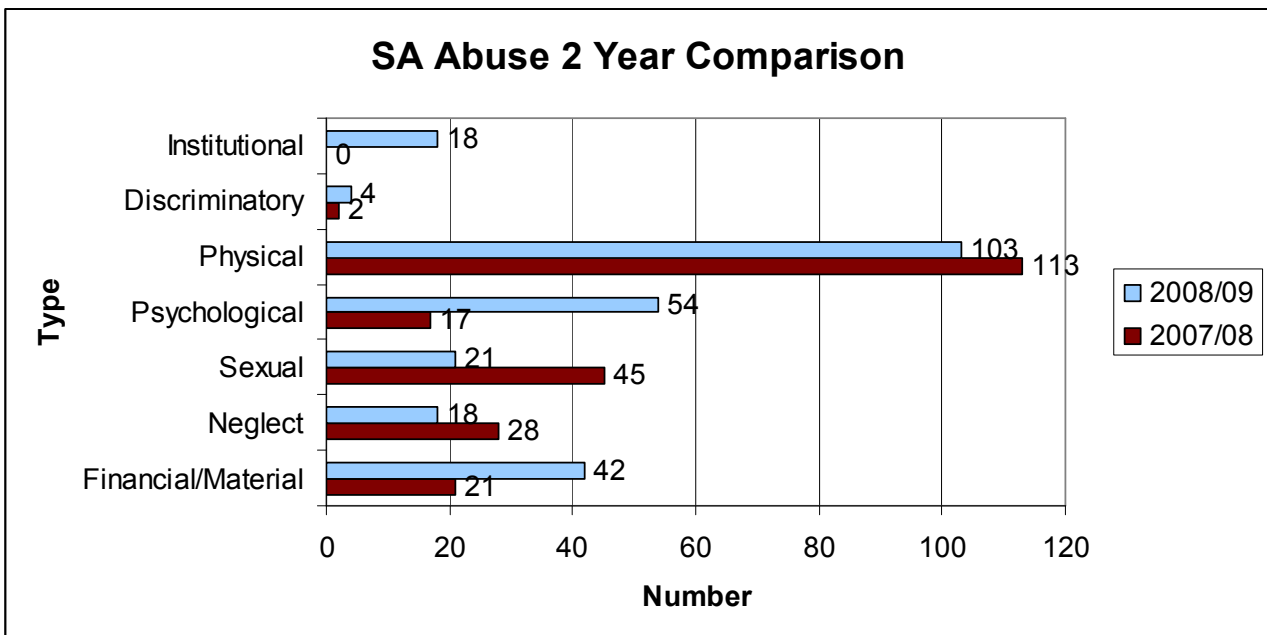
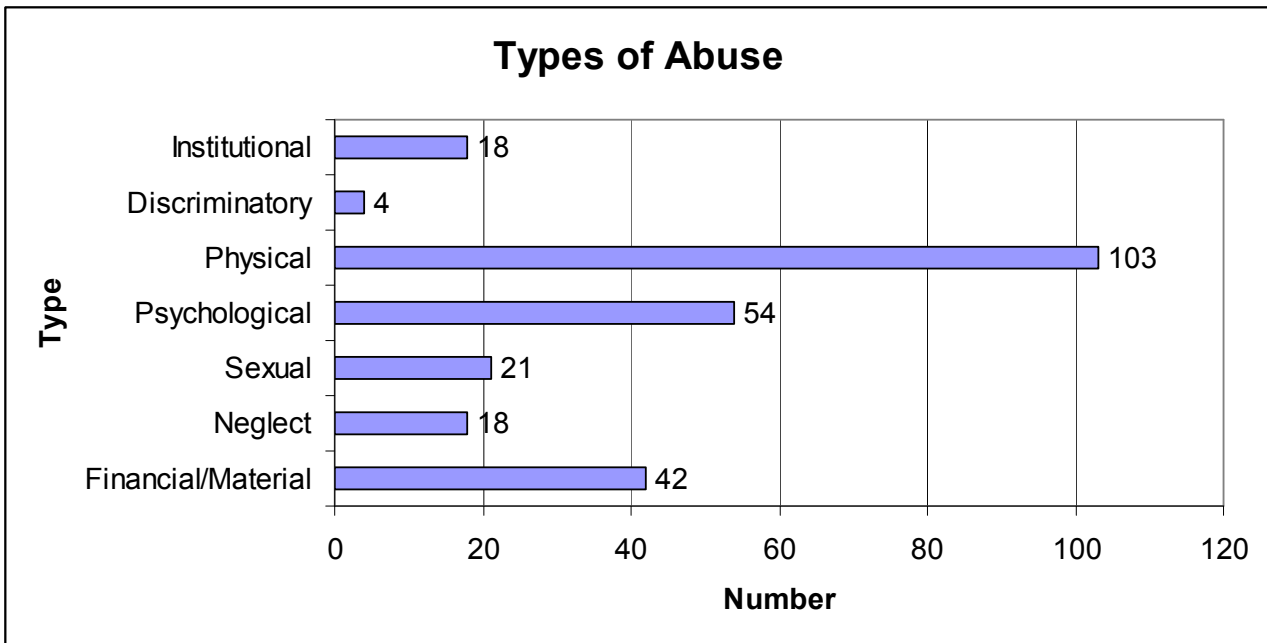
A total of **193** alerts were received for the financial year, which represents a **3% increase** against the previous financial year's total (187). Below is a monthly breakdown as well as a monthly comparison with the previous year.



Types of Abuse

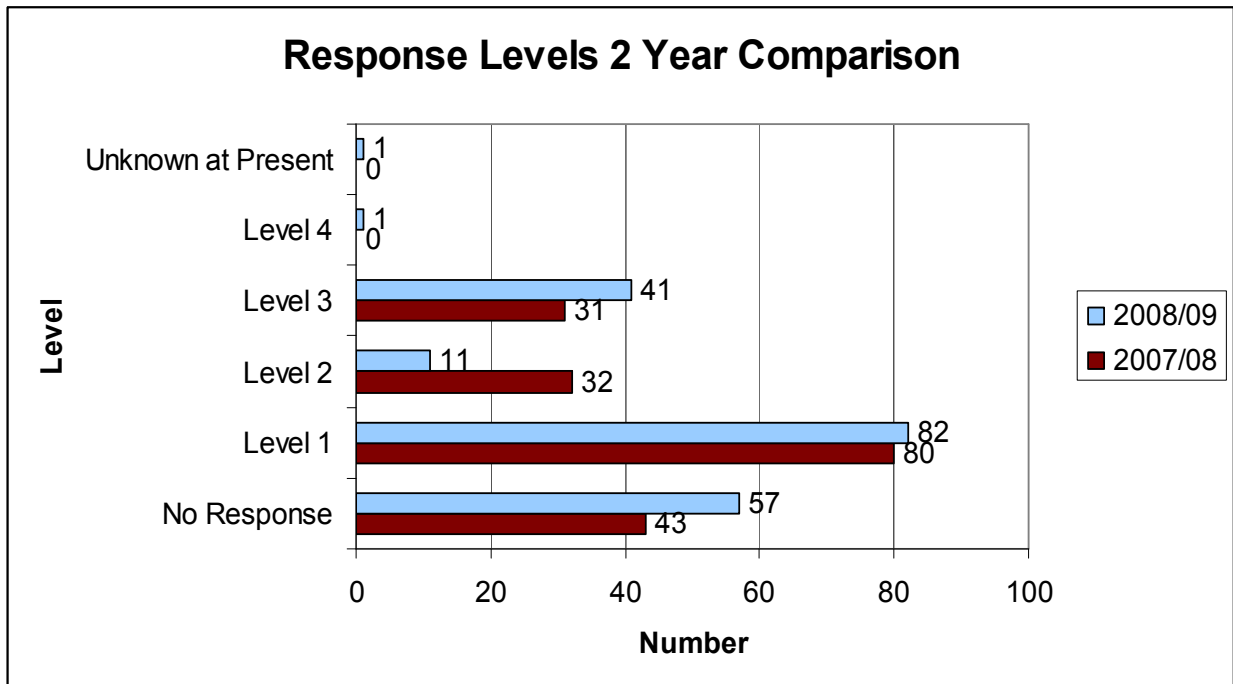
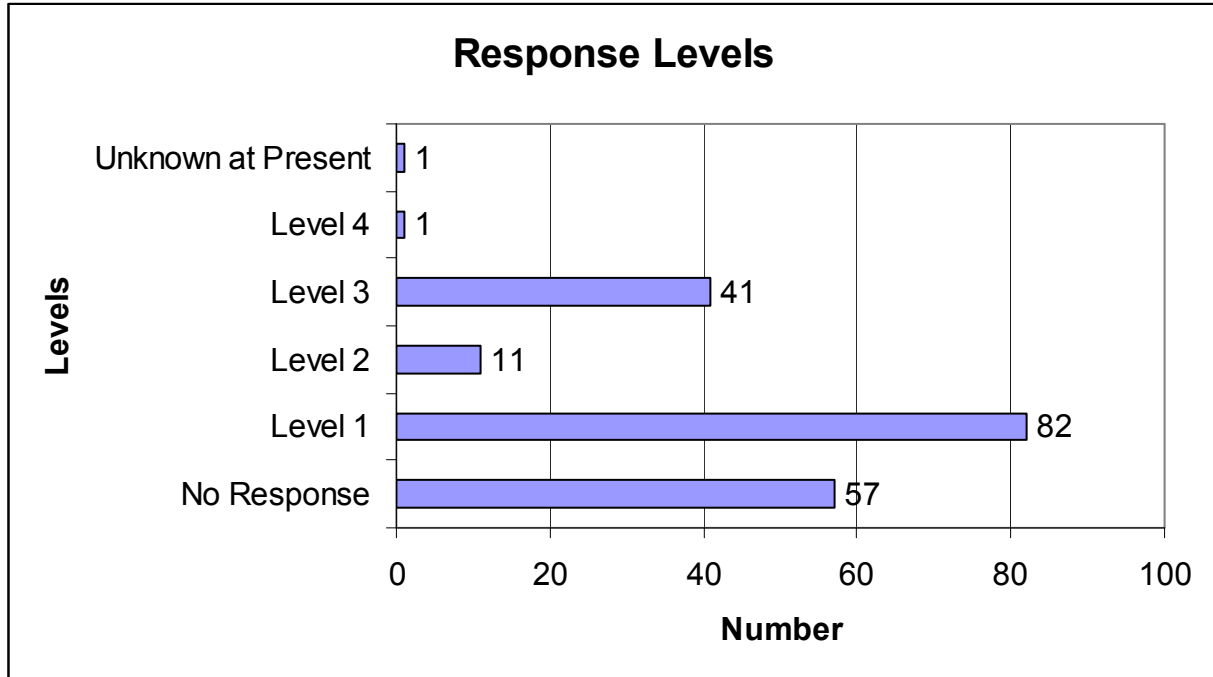
Below are the totals for each type of abuse reported for the financial year, as well as a comparison with the previous year.

Please note that 1 alert can report more than a single type of abuse, so numbers are not expected to match with the alert totals.



Response Levels

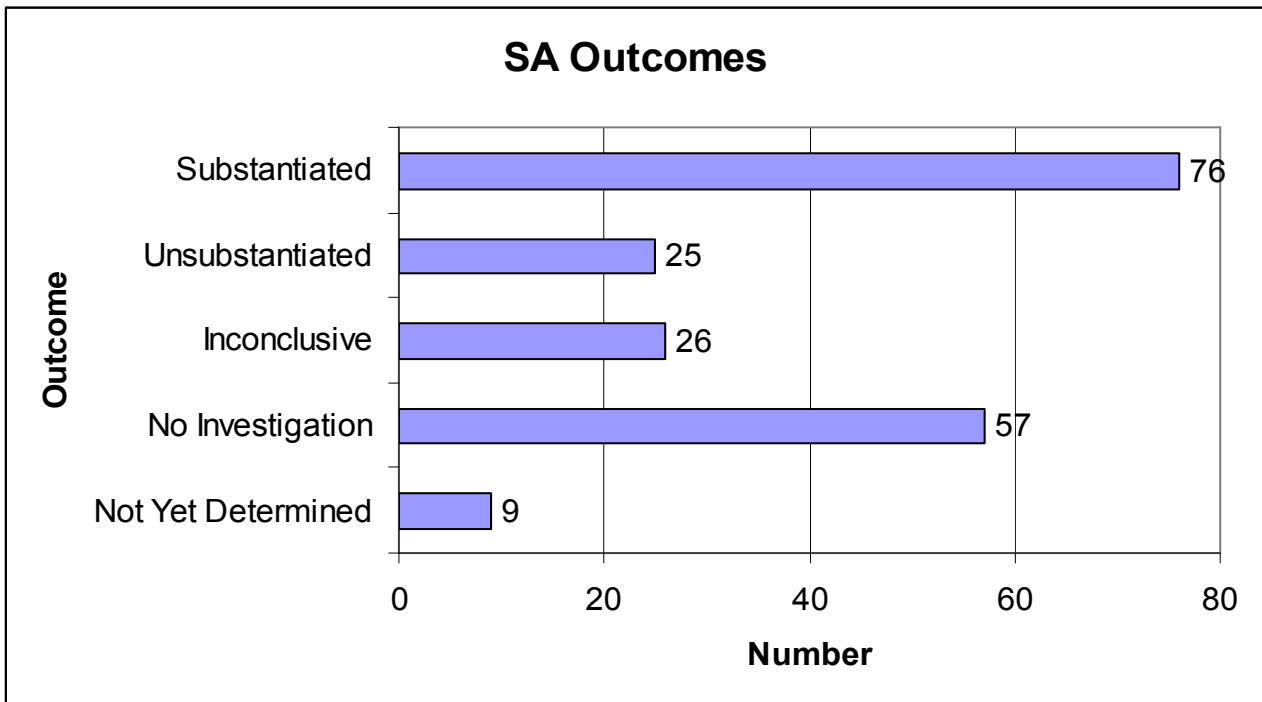
Below are the totals for each Level of a single investigation for the financial year, as well as a comparison with the previous year.



Alert Outcomes

Below are the outcomes for each single investigation for the financial year. A point to note is that this year the **76 Substantiated Alerts** currently matches exactly with last years total of Substantiated Alerts, although not all alert outcomes are currently determined.

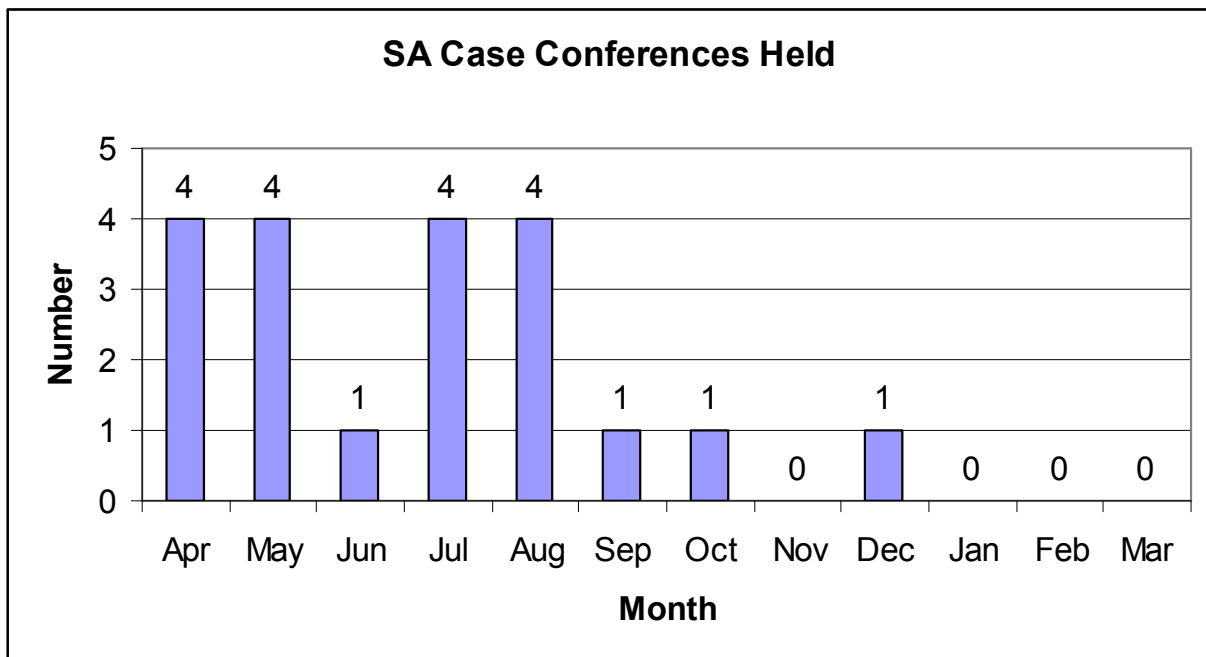
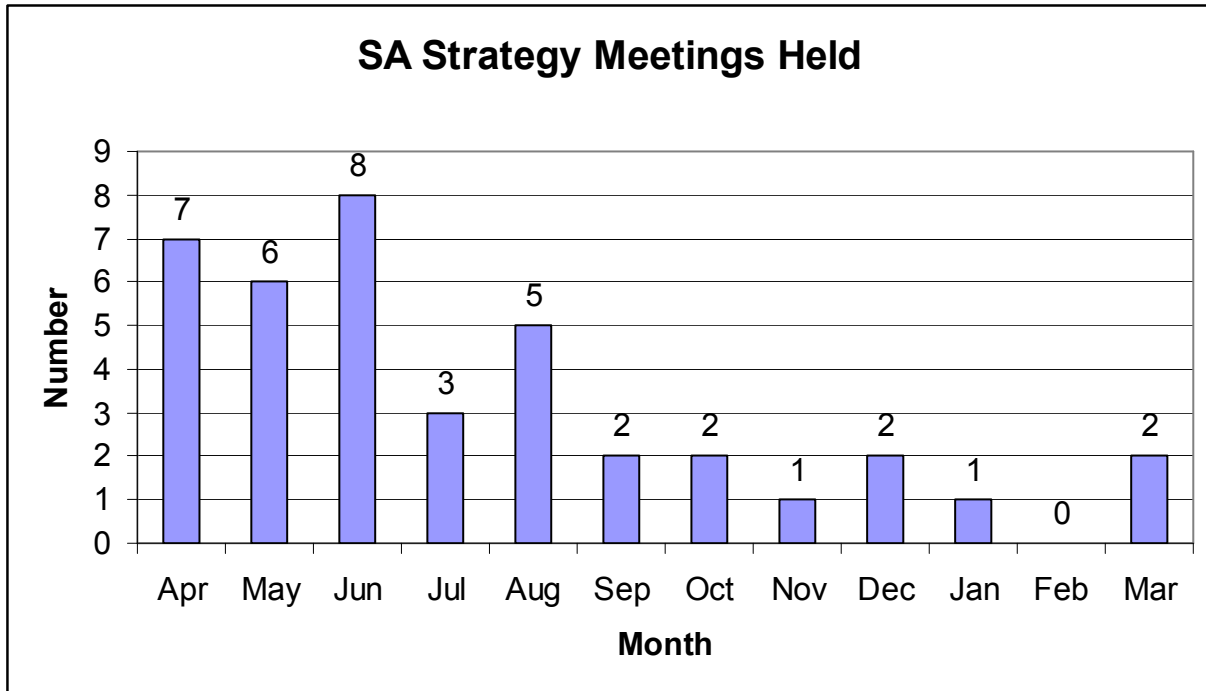
Please note that due to changes this year in the way outcomes are recorded on the database, it would be inaccurate to present a graphical comparison of all outcomes with the previous year.



Case Conferences & Strategy Meetings

A total of **39** strategy meetings were held during the financial year which resulted in **20** case conferences being held. This represents a **15% decrease** in the number of case conferences held when compared to last year's total of 23. Another point to note is the decrease for the last 6 months of the financial year in both strategy meetings and case conferences.

Below are the monthly breakdowns.



APPENDIX 1

Percentage breakdowns compared with the previous year

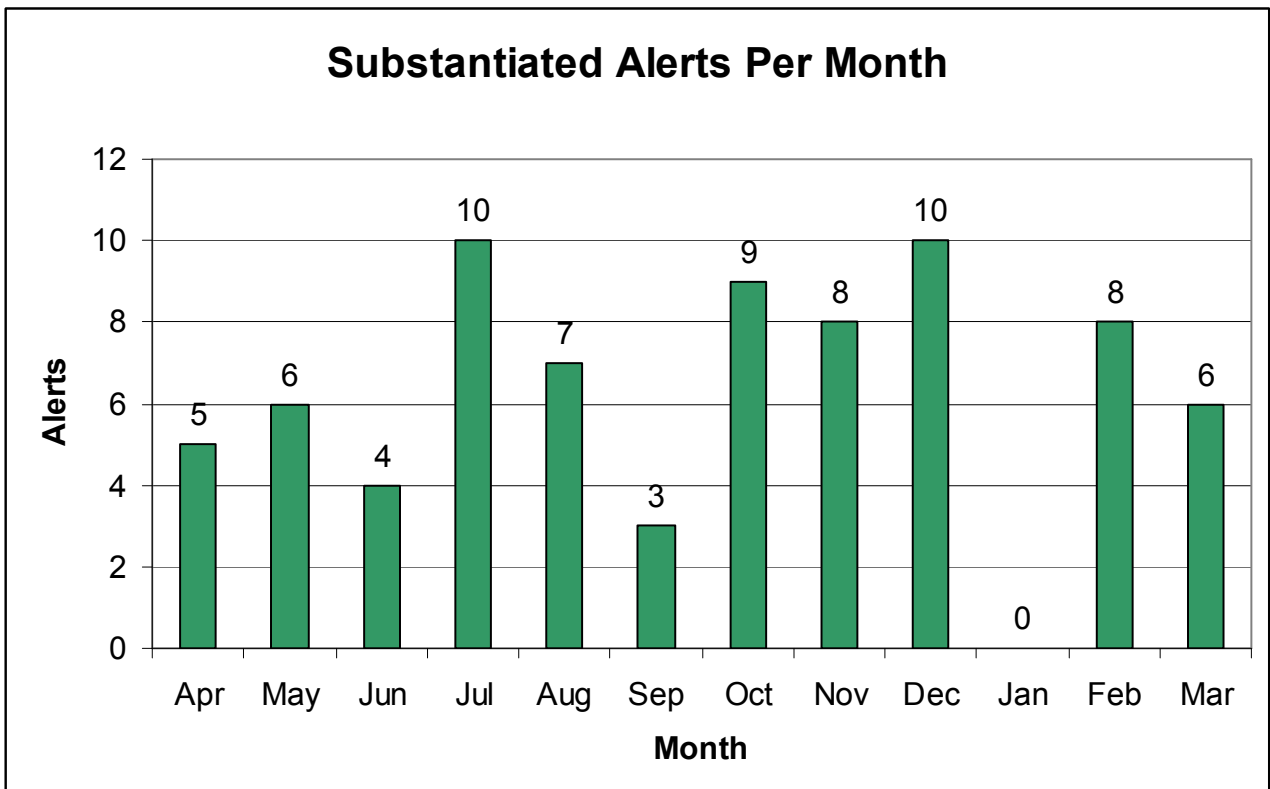
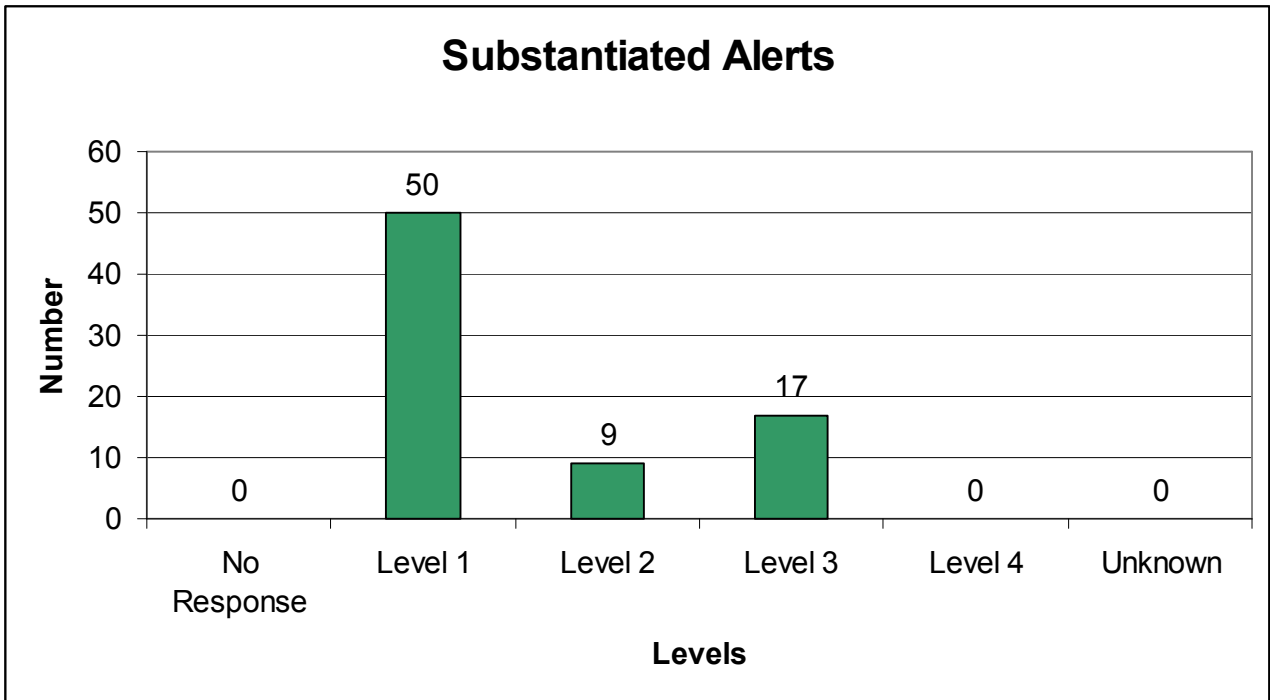
Compiled in the table below are figures comparing various Safeguarding Alert Information with the previous financial year, as well as the percentage change for each piece of information.

Please note: N/A listed when data was not recorded or recorded in a different way.

SA Alert Information	Financial Year 2007/08	Financial Year 2008/09	Percentage Increase/Decrease
Total Alerts Received	187	193	+ 3%
Case Conferences Held	23	20	- 15%
Discriminatory Abuse	2	4	+ 100%
Physical Abuse	113	103	- 9%
Sexual Abuse	45	21	- 114%
Psychological Abuse	17	54	+ 217%
Financial/Material Abuse	21	42	+ 100%
Neglect Abuse	28	18	- 55%
Institutional Abuse	N/A	18	N/A
No response Level	43	57	+ 32%
Level 1 Response	80	82	+ 2%
Level 2 Response	32	11	- 190%
Level 3 Response	31	41	+ 32%
Level 4 Response	0	1	+ 100%
Not Yet Determined Outcome	1	9	+ 800%
Inconclusive Outcome	24	26	+ 8%
Unsubstantiated Outcome	27	25	- 8%
Substantiated Outcome	76	76	0%
No Investigation Outcome	N/A	57	N/A

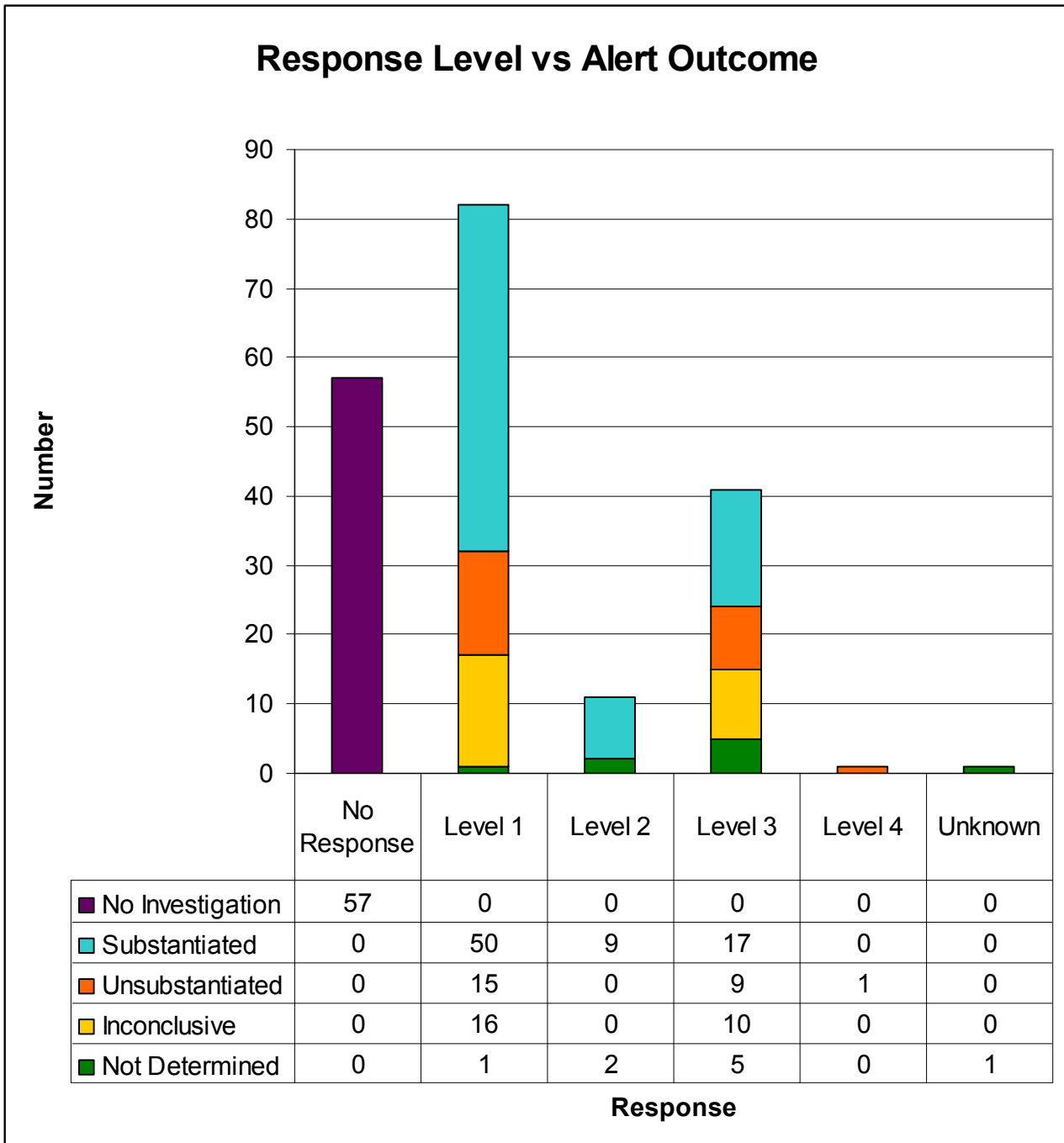
Substantiated Alerts

Below is a breakdown of Safeguarding Alerts where the outcome was “substantiated”. These alerts are compared first against the response level, then secondly against the month of the year.



Response Level's measured against Outcomes

Below are the numbers as well as a graphical representation of alert levels measured against the eventual outcome of an alert. Below the graph is the percentage of which each level of alert results in a substantiated outcome.



Percentage of Substantiated Alerts		
No Response - 0%	Level One - 61%	Level Two - 81%
Level Three - 41%	Level Four - 0%	Unknown - 0%

Timeframes

The figures below are **estimates only** of the time it takes on average for a alert to be reported to our team, the time it takes for a strategy meeting to be held after an alert has been received and the time between a case conference and a strategy meeting (when required) to be held.

Important points to note:

Firstly, these are estimates only and should not be considered a 100% accurate figure. This is due to:

1. We currently cannot record a **timeframe** that abuse has taken place (so when possible abuse occurred "sometime last week etc" we are only using a rough date as a guide)
2. Not all data required to calculate the accurate figures has been entered into the database. (out of 39 strategy meetings held, only 26 meeting dates were recorded. Of the 20 case conferences held, only 12 dates were recorded)

Point number 2 maybe be no fault of anyone in particular, as the database records case conference booked date and case conference held date, and in some cases only one has had data entered. The above 2 points will be addressed in a future database upgrade to give more accurate figures in the future.

Secondly, there was one alert received this year where an alert was reported approximately 689 days after the abuse had taken place (Alert number 394 in the database). Although an unusually long time timeframe, this alert is valid and the timeframe correct. I have therefore given 2 figures for the days it takes an alert to be reported to us, one which includes this alert, and one that omits the alert.

Timeframe	Average time
From Incident Date to Reported Alert (including Alert 394)	8.5 days
From Incident Date to Reported Alert (excluding Alert 394)	4.6 days
From Alert Date to Strategy Meeting Held	9.5 days
From Strategy Meeting Held to Case Conference Held	44 days

HOUSING CABINET MEMBER MEETING

Agenda Item 63

Brighton & Hove City Council

Subject:	Water Hygiene Contract		
Date of Meeting:	11 November 2009		
Report of:	Director of Adult Social Care and Housing		
Contact Officer:	Name:	Peter Matthews	Tel: 29-3370
	E-mail:	Peter.matthews@brighton-hove.gov.uk	
Key Decision:	Yes	Forward Plan No. HSG 12839	
Wards Affected:	All		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1. The Council has a duty as Landlord to ensure the quality of water supplied to its residents, and in particular to take appropriate measures to control conditions that might give rise to development of Legionella bacteria in systems that could cause Legionnaires Disease. This requirement is contained in the revised Approved Code of Practice (ACOP) and guidance "Legionnaires' disease: The control of legionella bacteria in water systems" otherwise known as L8.
- 1.2. To comply with its legal duties, the council should:
 - (a) identify and assess sources of risk
 - (b) prepare a scheme for preventing or controlling the risk;
 - (c) implement, manage and monitor precautions
 - (d) keep records of the precautions.
- 1.3. The actions listed in 1.2 above are considered to be of a specialist nature requiring the services of an expert contractor. This report seeks authority to procure and enter into a contract with such a contractor.
- 1.4. The Council's Constitution requires that procurement of goods or services valued in excess of £500,000 shall be authorised by the relevant Cabinet Member.
- 1.5. It was originally considered that the value of this contract was unlikely to be in excess of the above threshold. Subsequent advice received by officers concerning changes in relevant legislation requires the proposed contract to be significantly extended in scope, and thus likely to exceed the threshold. The services to be procured are required for the continued safety of residents and for the Council to be compliant with water safety regulation.

2. RECOMMENDATIONS:

- (1) That the Cabinet Member approves the procurement of a term partnering contract for the provision of water hygiene services and risk assessment in accordance with ACOP L8 for a term of 10 years.

- (2) That the Cabinet Member authorises the Director of Adult Social Care and Housing to enter into a suitable contract with the successful tenderer following an approved procurement process.
- (3) That the Cabinet Member authorises the Director of Adult Social Care and Housing to take all steps necessary or incidental to the implementation of recommendations (1) and (2).

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 Legionnaires disease is a rare but potentially fatal disease akin to Pneumonia. It is caused by the inhalation of bacteria. Legionella bacteria can proliferate in water systems that are not properly controlled and maintained. If water droplets from an aerosol (spray) of contaminated water are inhaled, the disease can progress.
- 3.2 At present the Council has a contract for water hygiene in its major housing premises that maintains the quality of water in stored systems (larger water tanks). This current contract does not provide the range of services required by the Approved Code of Practice.

Officers were originally procuring a replacement contract for those properties with large water storage tanks, but recent advice is that the contract scope should be significantly extended to provide a service to all housing properties.

- 3.3 This advice is contained in two Health & Safety Commission publications: "Legionnaires' disease -The control of legionella bacteria in water systems" and "Essential information for providers of residential accommodation". Both publications are provided as background documents.
- 3.4 Officers recommend the procurement of a specialist contractor to provide the Risk Assessment, Control Measures and Maintenance required by the ACOP to all housing properties where there is a reasonably foreseeable risk of legionella growth. The new contract is proposed to be a term partnering contract for a period of five years with provision for extensions to a maximum term of ten years to be aligned with the new Housing Repairs and Maintenance Term Contract.
- 3.5 The method of procurement will be in compliance with the Public Contracts Regulations 2006 with a planned contract commencement date of 1 April 2010.
- 3.6 Officers consider that there is a reasonably foreseeable risk in all its larger properties where stored water is present. Following the advice contained within the guide "Essential information for providers of residential accommodation", officers consider that there is a low risk in relation to smaller properties and single units of accommodation, and proposes a different strategy in relation to the council's duties in these properties.
- 3.7 The specialist contractor procured will be responsible for a full survey and risk assessment of blocks of flats, and for subsequent reassessments. The contractor will also be responsible for routine testing, maintenance and water hygiene works at those blocks of flats.

- 3.8 In relation to smaller properties, officers propose that risk assessment should be carried out by suitably trained surveyors under the new Housing Repairs and Maintenance Term Contract as part of the scheduled Housing Health and Safety Rating System services included in that contract.

4. **CONSULTATION**

The advice of the corporate Health and Safety Team Legionella Manager has been sought in the development of the Housing Legionella Control Strategy and proposed contract specification.

5. **FINANCIAL & OTHER IMPLICATIONS**

Financial Implications:

- 5.1 The Water Hygiene contract is estimated to be in the region of £2 million over the 10 year period. This estimated sum includes capital works for the replacement and maintenance of systems and revenue items such as risk assessments and annual cleaning and maintenance. A small proportion of these costs will be recharged to leaseholders through their service charge. This contract will commence on 1 April 2010 and the appropriate costs and income will be included in the 2010/11 capital and revenue budgets which will be approved in February 2010.

Finance Officer Consulted: Sue Chapman

Date: 13/09/09

- 5.2 Legal Implications:

This contract has elements of both works and services within it, but for the purposes of the EU Procurement Directive and corresponding UK Regulations, the relevant threshold to be applied is that for services (£139k) as it is lower. The anticipated value of this contract is therefore well in excess of that threshold, over which such contracts must be procured in accordance with the Directive and Regulations. Contracts over £75,000 must be in a form approved by the Head of Law. The Council must take the Human Rights Act into account in respect of its actions but it is not considered that any individual's Human Rights Act rights would be adversely affected by the recommendations in this report.

Layer Consulted: Alison Leitch

Date: 18 September 2009

Equalities Implications:

- 5.3 Legionella is particularly dangerous to people who have ongoing respiratory issues, those with reduced immunity and to elderly people. The delivery of the contract will prioritise sheltered properties where residents are particularly likely to be susceptible.
- 5.4 The contractor will be required to comply with the Council's policies on equality. The contractor will also be required to participate in periodic equalities monitoring.
- 5.5 (Impact Assessment to be completed)

Sustainability Implications:

- 5.6 The contractor will be required to provide a waste Management Strategy statement. The contractor will similarly be required to demonstrate how waste materials and water will be minimised, and where necessary controlled to prevent any environmental damage.

Crime & Disorder Implications:

- 5.7 This report does not have implications with respect to crime or disorder.

Risk and Opportunity Management Implications:

- 5.8 A key output of this proposal is the assessment of risk of legionella in water systems, and the provision of measures to eliminate those risks.
- 5.9 The form of contract will be the ACA Term Partnering Contract. (TPC) 2005, as amended 2008 Risk management is fully integrated within that contract.
- 5.10 Legislation requires that all tenanted properties are assessed for the risk of legionella. In addition to this assessment, this contract takes the opportunity to provide a register of assets to further the council's knowledge of its housing stock.
- 5.11 The proposed contract will be aligned with the recently procured Housing Repairs and Maintenance Contract and the contractor will be required to participate in the associated Strategic Alliance of Contractors. This Strategic Alliance is being developed to further the council's strategic aims and objectives and to maximise the opportunities afforded by shared working.

Corporate / Citywide Implications:

- 5.12 The contract will reduce the risk of legionnaires disease in the City.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 The alternative of not assessing and managing legionella risk is not tenable as legislation requires that this action be taken.
- 6.2 The use of alternative forms of contract has been considered. Officers recommend the use of the TPC 2005 (amended 2008) form of contract as this will align with other term partnering contracts procured and being procured. The TPC contract contains provision for the formation of an overarching Strategic Alliance of Contractors that provides enhanced cooperation between the members.
- 6.3 The option of carrying out the risk assessments in house has been considered. This option would require the recruitment and retention of a highly trained individual and would also require the procurement of a specialist contractor to deliver the operational aspects of this proposal. It is recommended that a comprehensive water management service should be procured.

- 6.4 The option of including all tenanted properties within this contract was considered. Officers recommend that the risk of legionella developing in individual dwellings is likely to be very low, and therefore the additional cost of inclusion in this procurement would not represent good value for money. Officers therefore recommend that the newly procured Repairs and Maintenance contractor should carry out single property risk assessment as part of their HHSRS duties as described at clause 3.7

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 Recommendation (1) is made as this is a requirement of current Health & Safety legislation.
- 7.2 Recommendation (2) is made to progress the procurement to contract as rapidly as possible avoiding the potential for long delay that might be caused due to the period of time between cabinet member meetings in the New Year.

SUPPORTING DOCUMENTATION

Appendices:

1. There are no Appendices to this report

Documents In Members' Rooms

1. See below

Background Documents

1. "Legionnaires' disease -The control of legionella bacteria in water systems" published by the Health and Safety Executive
2. "Essential information for providers of residential accommodation" published by the Health and Safety Executive

