



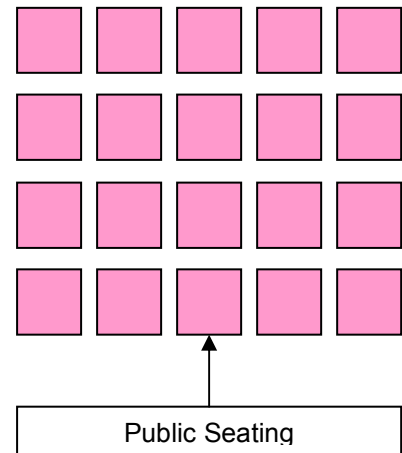
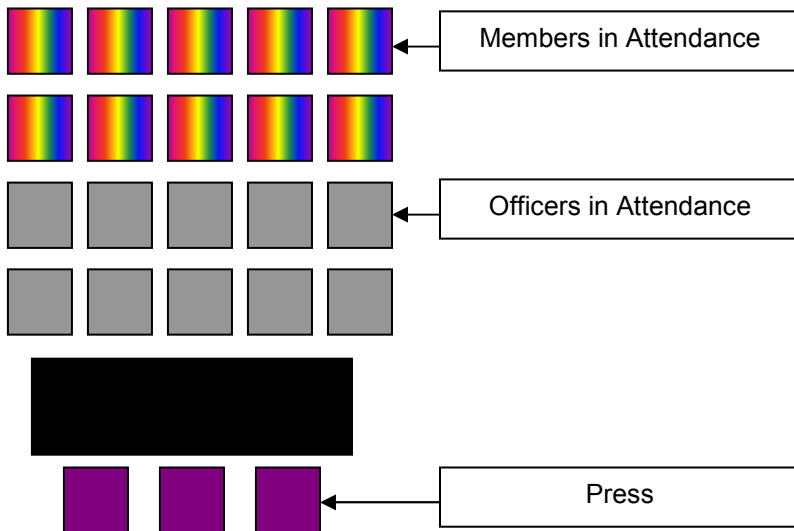
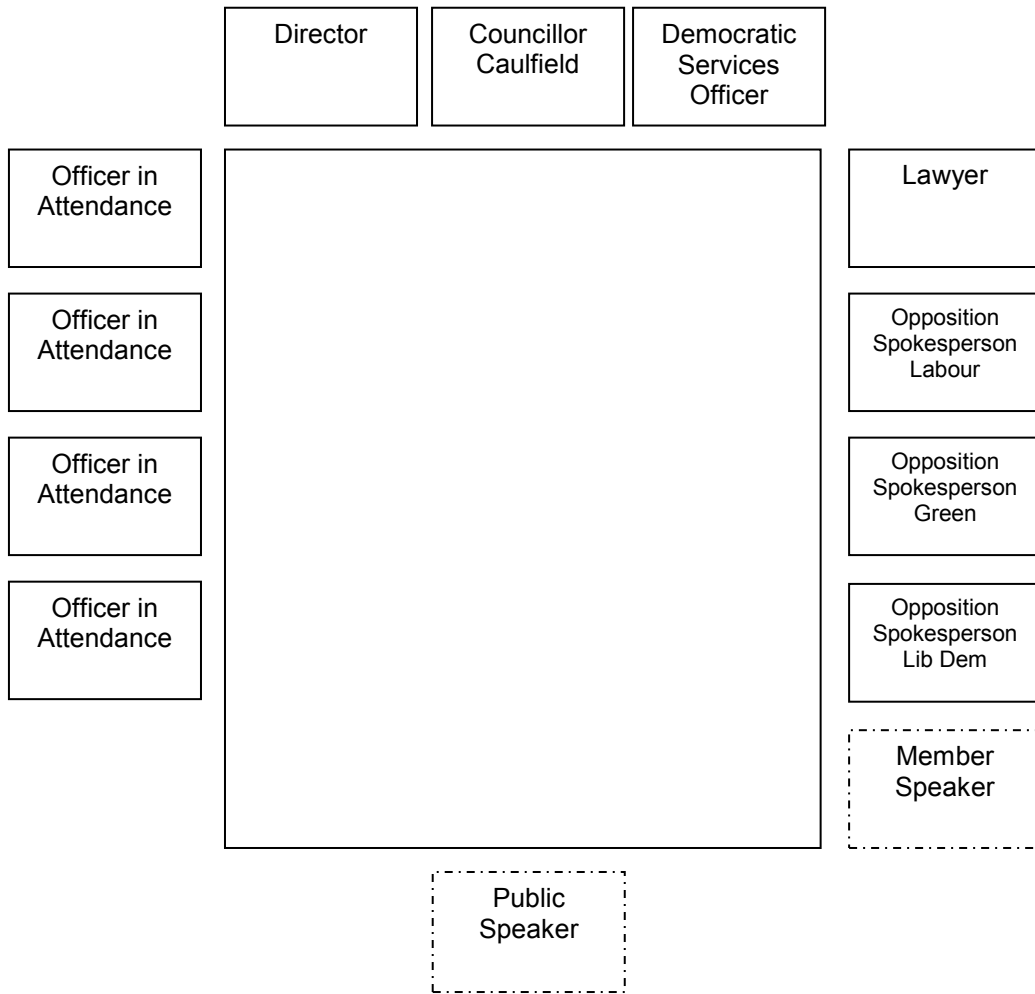
**Brighton & Hove  
City Council**

# Cabinet Member Meeting

Title:	<b>Housing Cabinet Member Meeting</b>
Date:	<b>6 January 2010</b>
Time:	<b>4.00pm</b>
Venue	<b>Council Chamber, Hove Town Hall</b>
Members:	<b>Councillor:</b> Caulfield (Cabinet Member)
Contact:	<b>Caroline De Marco</b> Democratic Services Officer 01273 291063 caroline.demarco@brighton-hove.gov.uk

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# Democratic Services: Meeting Layout



**AGENDA**

**64. 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.*

**65. MINUTES OF THE PREVIOUS MEETING**

**1 - 10**

Minutes of the Meeting held on 11 November 2009 (copy attached).

**66. CABINET MEMBER'S COMMUNICATIONS**

**67. ITEMS RESERVED FOR DISCUSSION**

- (a) Items reserved by the Cabinet Member
- (b) Items reserved by the Opposition Spokesperson
- (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.*

**68. PETITIONS**

No petitions have been received by the date of publication.

**69. PUBLIC QUESTIONS**

(The closing date for receipt of public questions is 12 noon on 29 December 2009)

## HOUSING CABINET MEMBER MEETING

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

### 70. DEPUTATIONS

(The closing date for receipt of deputations is 12 noon on 29 December 2009)

No deputations have been received by the date of publication.

### 71. LETTERS FROM COUNCILLORS

No letters have been received.

### 72. WRITTEN QUESTIONS FROM COUNCILLORS

No written questions have been received.

### 73. NOTICES OF MOTIONS

No Notices of Motion have been referred.

### 74. MINUTES OF THE HOUSING MANAGEMENT CONSULTATIVE COMMITTEE 11 - 24

Minutes of the Meeting held on 7 December 2009 (copy attached).

### 75. TENANCY AGREEMENT REVIEW 25 - 60

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

*Contact Officer: Diane Freeland Tel: (01273) 293841*  
*Ward Affected: All Wards;*

### 76. IMPROVING ACCESS TO HOUSING ADAPTATIONS 61 - 76

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

*Contact Officer: Martin Reid Tel: 29-3321*  
*Ward Affected: All Wards;*

### 77. WHEN A SOLE TENANT REQUESTS A JOINT TENANCY 77 - 82

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

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

### 78. PROPOSED EXTENSION TO LOCAL LETTINGS PLAN FOR PEOPLE AGED 50 PLUS 83 - 86

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





**BRIGHTON & HOVE CITY COUNCIL**  
**HOUSING CABINET MEMBER MEETING**  
**4.00pm 11 NOVEMBER 2009**  
**COUNCIL CHAMBER, HOVE TOWN HALL**  
**MINUTES**

**Present:** Councillor Caulfield (Cabinet Member)

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

## **PART ONE**

### **44. PROCEDURAL BUSINESS**

#### **44 (a) Declarations of Interests**

44.1 There were none.

#### **44 (b) Exclusion of Press and Public**

44.2 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).

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

### **45. MINUTES OF THE PREVIOUS MEETING**

45.1 **RESOLVED** – That the minutes of the Housing Cabinet Member Meeting held on 9 September 2009 be agreed and signed by the Cabinet Member.

### **46. CABINET MEMBER'S COMMUNICATIONS**

46.1 There were none.

**47. ITEMS RESERVED FOR DISCUSSION**

47.1 **RESOLVED** – That with the exception of the items reserved (and marked with an asterisk), the recommendations and resolutions contained therein be approved and adopted without debate.

**48. PETITIONS**

48.1 There were none.

**49. PUBLIC QUESTIONS**

49.1 There were none.

**50. DEPUTATIONS**

50.1 There were none.

**51. LETTERS FROM COUNCILLORS**

51.1 There were none.

**52. WRITTEN QUESTIONS FROM COUNCILLORS**

52.1 There were none.

**53. NOTICES OF MOTIONS**

53.1 There were none.

**54. MINUTES OF THE ADULT SOCIAL CARE & HOUSING OVERVIEW & SCRUTINY COMMITTEE\***

54.1 The Cabinet Member considered the minutes of the Adult Social Care & Housing Overview & Scrutiny Committees held on the 3 September and 22 October 2009 (for copy see minute book).

54.2 Councillor Simpson made reference to Item 31.2 and 31.3 of the minutes of 22 October 2009. She had asked if changes in the way in which housing repairs are undertaken had been adequately communicated to the council's tenants. The minutes at paragraph 31.2 recorded that the Assistant Director, Housing Management had said that there was no change in policy. However in paragraph 31.3 it recorded that he stated there had been some changes made in policy.

54.3 Councillor Simpson felt that there was no clear explanation of the programme. Some repairs would not be carried out for three years. She felt that there was a missed opportunity to consult the tenants. After the article in the Argus there had been miscommunication with staff in housing. Some officers had said that extensive repairs were not being carried out. She considered that there should have been more information to housing officers as well as tenants.



- 54.4 The Cabinet Member replied that this issue had been raised at the Housing Management Consultative Committee. The people quoted in the Argus report were not Housing tenants. A three year repairs programme was being drawn up to meet decent home standards. The three year draft programme would be submitted to the next Housing Management Consultative Committee. There had been issues around repairs and the Assistant Director, Housing Management was communicating with staff, so that they were fully aware of the facts.
- 54.5 The Assistant Director, Housing Management explained that his comments in paragraph 31.2 were referring to Councillor Simpson's concern that there had been changes to the Tenants' Handbook response times. There had been no changes to the response time. This matter would be raised at the next Adult Social Care & Housing Overview and Scrutiny Committee. He would bring the draft 3 year programme to the Housing Management Consultative Committee. Meanwhile, he noted Councillor Simpson's comments about communicating clearly about what would be included in the programme

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

**55. MINUTES OF THE HOUSING MANAGEMENT CONSULTATIVE COMMITTEE\***

55.1 The Cabinet Member considered the minutes of the Housing Management Consultative Committee held on the 12 October 2009 (for copy see minute book).

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

**56. SUSSEX PARTNERSHIP FOUNDATION TRUST (SPFT) CONTRACT**

56.1 The Cabinet Member considered a report of the Director of Adult Social Care & Housing which set 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 Circular for Mental Health. The report also provided detail of the current contractual position. Prior to this, the Primary Care Trust had signed a 5 year contract with the Trust (for copy see minute book).

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

- (1) That the current contractual position be noted.
- (2) That there be a further update report from officers.

**57. PROCUREMENT OF CONTRACT FOR THE MANAGEMENT AND MAINTENANCE OF LAUNDRY FACILITIES FOR COUNCIL MANAGED HOMES\***

57.1 The Cabinet Member 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.

- 57.2 The Housing Management Consultative Committee meeting on 12 October had recommended approval of the proposal outlined.
- 57.3 The Senior Project Manager confirmed that the contract would commence on 31 December 2009. Officers would be asking PHS Laundryserv to install the machines as soon as possible, with installations in sheltered housing first. The Cabinet Member commented that she considered the procurement of the contract to be an excellent piece of work.
- 57.4 **RESOLVED** – Having considered the information and the reasons set out in the report, the Cabinet Member accepted the following recommendations:
- (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.
58. **LOCAL LETTINGS PLANS- LETTINGS RESTRICTED TO PERSONS OVER 50 YEARS OF AGE AND BUNGALOWS\***
- 58.1 The Cabinet Member considered a report of the Director of Adult Social Care & Housing which explained that 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 compatible 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). Current arrangements were reviewed and new proposals considered. There had been extensive stakeholder consultation, the outcome of which was included in the report.
- 58.2 The views of the Housing Management Consultative Committee meeting held on 12 October were set out in the consultation paragraph of the report. An indicative vote demonstrated that a majority of members and co-optees were in favour of the recommendations.
- 58.3 Councillor Simpson raised the issue of bungalows in sheltered housing. She noted that the report did not make reference to bungalows such as the properties in Ditchling Gardens.
- 58.4 The Cabinet Member replied that there would be no change to the policy for bungalows in sheltered housing. Councillor Simpson replied that she would be happier if it was mentioned in the report that some bungalows were termed as sheltered housing and were outside the policy. The Cabinet Member agreed that this information could be inserted into the next report to be submitted to the meeting in December.

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

- (1) That a Local Lettings Plan be approved in respect of blocks for people over 50 years of age and for bungalows with the effect that:
  - (a) 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.
  - (b) 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.
  - (c) 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
  - (d) 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.
  - (e) 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.
  - (f) 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.

#### 59. **AMENDMENT TO LOCAL LETTINGS PLAN\***

- 59.1 The Cabinet Member considered a report of the Director of Adult Social Care & Housing which recommended a variation to the Local Lettings Plan, agreed on 17 July 2009 (for copy see minute book).
- 59.2 The original report agreed that 25% of 2 bed and larger property in 9 deprived areas of the city should be let with priority to working households. 25% had proved too small a proportion of lettings by which to effectively evaluate the impact of the scheme. It was 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 were let with priority to working households.
- 59.3 Councillor Simpson expressed concern that the proposals were effectively a new initiative. She asked what proportion of stock, 50% of 9 areas covered. It could potentially be quite massive and the impact could be considerable. She also wondered how officers would gauge the impact, even by doubling numbers in the six month

period. She stressed that the effect of the policy on communities would only show over a long period of time.

59.4 The Cabinet Member stressed that 25% was only one property every two weeks. The aim of the study was to see if people in lower bands were being helped into the housing system. The study would also look at those people in high priority need. There might be a need to extend the pilot study.

59.5 The Assistant Director of Housing Management reported that he did not have figures to hand but a significant proportion of housing stock was situated in the most deprived areas of the city. His understanding was that the pilot period might be a longer period than 6 months. It might be 9 or 12 months. He would clarify this issue for Councillor Simpson.

59.6 Councillor Simpson asked if the proposals could be regularly monitored and reported back to the Cabinet Member Meeting, in order to measure the impact of how people were being re-housed.

59.7 The Cabinet Member agreed to receive regular update reports and suggested a report to the Housing Management Consultative Committee in order to obtain a view from the tenants. The Assistant Director of Housing Management agreed that information could be provided on the number of lets.

59.8 **RESOLVED** – Having considered the information and the reasons set out in the report, the Cabinet Member accepted the following 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.

(2) That regular update reports are received.

## **60. TERM CONTRACT FOR DISABLED ADAPTATIONS\***

60.1 The Cabinet Member considered a report of the Director of Adult Social Care & Housing which sought approval for the re-tendering 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 (for copy see minute book).

60.2 The Cabinet Member stressed that the report on changes to the adaptations policy would be submitted to the Housing Management Consultative Committee in December.

60.3 Councillor Simpson commented that she had a query concerning the levels of satisfaction, which were not for all adaptations but only in relation to a particular contractor for 08/09. She asked what proportion of clients who had requested and received agreement for adaptations, actually progressed to having the adaptations carried out.

- 60.4 The Cabinet Member replied that the report to Housing Management Consultative Committee would provide more detail about this issue. This was confirmed by the Assistant Director of Housing Strategy.
- 60.5 **RESOLVED** – Having considered the information and the reasons set out in the report, the Cabinet Member accepted the following recommendations:
- (1) That the procurement of the new Adaptations Framework Agreement for the next three years be approved, subject to annual review within the term.
  - (2) That the Director of Adult Social Care and Housing be authorised to enter into a framework agreement with contractors following a compliant procurement process.
  - (3) That the Director of Adult Social Care and Housing be authorised to take all steps necessary or incidental to the implementation of recommendations 2.1 and 2.2.
- 61. CONTRACT UNIT PERFORMANCE AND MONITORING WORKING AGE ADULT LEARNING DISABILITIES SERVICE, JANUARY TO JUNE 2009\***
- 61.1 The Cabinet Member considered a report of the Director of Adult Social Care & Housing which provided governance information on the performance and monitoring of Under 65's (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 (for copy see minute book).
- 61.2 Councillor Simpson made the point that monitoring was very important in helping to protect vulnerable people in the city. It was a great credit that investigations and monitoring were carried out so regularly. She stressed that it was important that reports were presented to the Cabinet Member Meeting to enable them to be examined publicly. She asked for a clearer explanation of the statistics in appendix 2.
- 61.3 The Contacts Manager reported that the data related to the local authority compared to the rest of England. She highlighted "Shared Lives" where only three schemes were in operation, as opposed to 129 for the rest of England. 2 out of the three schemes did not meet the required standard of performance. The Contract Team were investigating how to quality assure more effectively in such instances.
- 61.4 The Director of Adult Social Care & Housing stressed that people would not necessarily experience poor service as a result of the performance data. The Contracts Manager agreed that service users in homes might be quite happy with the service, however, more needed to be done to meet service standards.
- 61.5 The Cabinet Member commented that these issues could be investigated in the next report to the Cabinet Member Meeting.
- 61.6 **RESOLVED** – Having considered the information and the reasons set out in the report, the Cabinet Member accepted the following recommendations:
- (1) That the report be noted.

- (2) That reports be produced on a regular basis. The next report will cover the period 1 July to 31 March 2010, and thereafter every 6 months.

**62. KEEPING PEOPLE WITH A LEARNING DISABILITY SAFE - SAFEGUARDING REPORT 08/09\***

- 62.1 The Cabinet Member considered a report of the Director of Adult Social Care & Housing which outlined key issues and current and future action to ensure that the council were safeguarding people with learning disabilities in the city (for copy see minute book).
- 62.2 Councillor Simpson made the point that monitoring was very important in helping to protect vulnerable people in the city. It was a great credit that investigations and monitoring were carried out so regularly. She stressed that it was important that reports were presented to the Cabinet Member Meeting to enable them to be examined publicly.
- 62.3 The Cabinet Member concurred with the above comments and said she would consider requesting an extra report between November and March 2010. She would also consider asking the Adult Social Care & Housing Overview & Scrutiny Committee or the Health Overview and Scrutiny Committee to consider the issues raised in the report.
- 62.4 **RESOLVED** – Having considered the information and the reasons set out in the report, the Cabinet Member accepted the following recommendations:
- (1) That the content of the 08/09 Annual Safeguarding Report for people with Learning Disabilities be noted.
- (2) That in order to support the Cabinet Member in discharging her governance responsibilities in relation to the safeguarding of people with learning disabilities in the city, the Cabinet 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 it is agreed that the format and content of the current report is sufficient to meet the Cabinet Member's requirements.

**63. WATER HYGIENE CONTRACT**

- 63.1 The Cabinet Member considered a report of the Director of Adult Social Care & Housing which sought approval for the procurement of a term partnering contract for the provision of water hygiene services (for copy see minute book). The Council's constitution required that the procurement of goods or services valued in excess of £500,000 shall be authorised by the relevant Cabinet Member.
- 63.2 **RESOLVED** – Having considered the information and the reasons set out in the report, the Cabinet Member accepted the following recommendations:

- (1) That the procurement of a term partnering contract for the provision of water hygiene services and risk assessment be approved in accordance with ACOP L8 for a term of 10 years.
- (2) That the Director of Adult Social Care and Housing be authorised to enter into a suitable contract with the successful tenderer following an approved procurement process.
- (3) That the Director of Adult Social Care and Housing be authorised to take all steps necessary or incidental to the implementation of resolutions (1) and (2).

The meeting concluded at 5.00pm

Signed

Chair

Dated this

day of





### BRIGHTON & HOVE CITY COUNCIL

### HOUSING MANAGEMENT CONSULTATIVE COMMITTEE

3.00pm 7 DECEMBER 2009

COUNCIL CHAMBER, HOVE TOWN HALL

### MINUTES

**Present:** Councillors Caulfield (Chairman); Carden, Davey, Fryer, Pidgeon, Simpson (Opposition Spokesperson) 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), Muriel Briault (Leaseholder Action Group), Tom Whiting (Sheltered Housing Action Group), John Melson (Hi Rise Action Group) and Barry Kent (Tenant Disability Network)

### PART ONE

#### **35. PROCEDURAL BUSINESS**

##### **35A Declarations of Substitute Members**

35.1 Councillor Harmer-Strange substituted for Councillor Barnett.

##### **35B Declarations of Interests**

35.2 Councillors Harmer-Strange, Simpson and Wells, Ted Harman and Heather Hayes declared a personal interest in agenda items 44 and 47 as they are Board Members of Brighton and Hove Seaside Community Homes (the Local Delivery Vehicle).

##### **35C Exclusion of the Press and Public**

35.3 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.

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

**36. MINUTES OF THE PREVIOUS MEETING**

36.1 **RESOLVED** – That the minutes of the meeting held on 12 October 2009 be approved and signed by the Chairman.

**37. CHAIRMAN'S COMMUNICATIONS**

37.1 The Chairman reported that that the Council had been awarded £30,000 funding towards a project that would look at unlawful sub-letting. The project would start in the New Year.

37.2 The Chairman reported that the Council had made a bid for HRA funding in order to build council homes in Ainsworth House. Committee members would be informed when the outcome of the bid was known.

37.3 The Chairman reported the sad news of the death of Nick Tew. Chris Kift informed the Committee that the St James CA was hoping to take a lease on the WRVS part of the building. If this went to plan then it would be known as the Nick Tew Centre.

**38. CALLOVER**

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

38.2 **RESOLVED** - That all items be reserved for debate and determination.

**39. PETITIONS**

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

**40. PUBLIC QUESTIONS**

40.1 The Chairman noted that there were no public questions.

**41. DEPUTATIONS**

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

**42. LETTERS FROM COUNCILLORS**

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

**43. WRITTEN QUESTIONS FROM COUNCILLORS**

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

**44. LOCAL DELIVERY VEHICLE - PRESENTATION**

- 44.1 The Committee received a presentation with slides from the Head of Housing Strategy and Development and Private Sector Housing (for copy see minute book). The presentation provided an update on the current situation and explained the revised application and the need for consent from the Secretary of State. Plan B could proceed if consent was refused or delayed or if the council were prevented from lending to the LDV. If express consent and lending was approved, a decision would be needed over which funding route was best for the council and Brighton and Hove Seaside Community Homes. Committee members would be kept up to date with current project issues. The council would seek HMCC members support for funding choices to be made by Cabinet once all the detailed project issues had been worked through.
- 44.2 Stewart Gover suggested that it might be better to wait until the May election before proceeding to Plan B. He stressed that it was not known how much interest would have to be paid if private sector finance was required.
- 44.3 The Chairman explained that she personally did not want to wait until May to make a decision. The CLG had undertaken to make a decision by 8 December. The HMCC had given support to Plan B at the last meeting, and if there was no news from the CLG then Plan B would proceed. It was proposed to take a report to Cabinet on 14 January 2010. The Chairman suggested that a special meeting of the HMCC be arranged before 14 January.
- 44.4 The Director of Adult Social Care & Housing explained that the revised application had been submitted to the CLG two weeks ago and that there had been no further requests for additional information.
- 44.5 John Melson agreed with Stewart Gover and thought that a decision should be delayed. Meanwhile, he thought that the council should not lend the money to the LDV as this would be counter productive.
- 44.6 Councillor Simpson explained that when a meeting took place with the CLG in October there had been a warmer reception. She hoped that the revised application would be acceptable and felt that there was no need to panic at this stage.
- 44.7 The Chairman suggested that a special meeting be arranged on 6 January 2010. In the meanwhile, members would be informed if a response was received from the CLG.
- 44.8 **RESOLVED** – (1) That the presentation be noted.
- (2) That a Special meeting of the Housing Management Consultative Committee be arranged on Wednesday 6 January 2010 at 3.00pm in the Council Chamber, Hove Town Hall.

**45. OUT OF HOURS SERVICE IN SHELTERED HOUSING**

- 45.1 The Committee considered an update report of the Director of Adult Social Care and Housing on the work of the officer and resident project group set up to review the out of hour's service provision in sheltered housing (for copy see minute book). A report on the work the project group had carried out to date was attached as Appendix 1.
- 45.2 The Older Persons Housing Manager thanked Brian Balchin, Jasmine Court Sheltered Housing Action Housing Group representative for his work for the resident project group. He also thanked Tom Whiting and Louis Loizou as Chair and Vice Chair of the Sheltered Action Housing Group.
- 45.3 Brian Balchin reported that out of the 12 schemes he visited, Southern Housing Group had been very interesting. Ragland Housing Association used the Chichester Care Line.
- 45.4 Tom Whiting thought the report was excellent, and stressed the need to re-consult. Methods of communication were important.
- 45.5 Chris Kift asked how the proposals would affect people who were not in sheltered housing and used CareLink Plus.
- 45.6 The Chairman agreed this was a valid concern and when progress was made it would be necessary to look at the impact on other users.
- 45.7 Tom Whiting stressed the need to consider the quality of the service in relation to what was being paid, rather than looking at cost considerations alone.
- 45.8 Councillor Simpson considered that there were many sensible recommendations in the report such as the key safes outside blocks. However, she was worried about the proposal to go out to competitive tender, and stressed that not everyone had close relatives or close contacts. CareLink Plus did provide extra services and there was added value to having a local based service. She was not aware of any other firm that provided telecare options.
- 45.9 John Melson asked how the council would provide for people who did not have a local helper. He suggested that there should be some provision for having key holders in these circumstances.
- 45.10 The Chairman considered the key safe a good idea, as it would be available to everybody. She thanked everyone for their hard work on the review.
- 45.11 **RESOLVED** – (1) That the contents of the report be noted.
- (2) That a further report is presented to the Housing Management Consultative Committee when a specification has been drawn up for the out of hours service and a process is in place to determine how this service will be provided.

**46. TENANCY AGREEMENT REVIEW**

- 46.1 The Committee considered a report of the Director of Adult Social Care & Housing which presented the results of the statutory consultation carried out with all the tenants

on the adoption of a revised tenancy agreement for tenants living in council housing. The Committee was presented with an amended draft of the revised tenancy agreement as a result of comments received during the consultation (for copy see minute book).

46.2 The Housing Manager thanked the Chairman's Resident Focus Group for their hard work and support. Barry Hughes, Trish Barnard and Chris Kift had been members of the group and were present at the meeting.

46.3 John Melson commented that the colours used in Appendix one had made the type difficult to read. The Chairman replied that this would be noted for future reference.

46.4 Ted Harman thought it was a good document. He asked what would happen if there was a joint tenancy and one partner did not want to sign the agreement. The Housing Manager replied that both partners would be expected to sign the agreement. The agreement would apply to all tenants.

46.5 Chris Kift made the point that it should be emphasised that the document was legal. It needed to be controlled and made to work properly.

46.6 The Chairman agreed that there needed to be robust enforcement. She thanked all those people who had been part of the working group.

46.7 **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 results of the consultation exercise and the themes arising as detailed in appendix 1 be noted.
- (2) That the new version of the tenancy agreement, attached at appendix 2 be endorsed and forwarded to the Housing Cabinet Member for approval.

#### 47. HOUSING MANAGEMENT SERVICE IMPROVEMENT PLAN

47.1 The Committee considered a report of the Director of Adult Social Care & Housing that explained the progress made in the delivery of the Housing Management Service Improvement Plan 2009-12 (for copy see minute book).

47.2 **RESOLVED** - That the progress to date and the priorities for year two of the service improvement plan, be noted.

#### 48. IMPROVING ACCESS TO HOUSING ADAPTATIONS

48.1 The Committee considered a report that outlined proposals to promote a more preventable approach to managing major adaptations demand through a single point of access in Housing Strategy to enable customers to maximise their independence and quality of life through a range of housing options. The preventable approach and early intervention would be promoted through the development of trained Trusted Assessors within Housing. A more proactive approach to procurement would be promoted by

working closely with housing management and Mears to bring more council homes up to Lifetime Homes and wheelchair accessible standard through the best use of mainstream capital budgets.

- 48.2 Where cases went through Community Care Assessment and the need for an adaptation was identified, a “whole systems approach” to delivery of that major adaptation would be developed as quickly as possible by fully integrating the assessment, recommendation and delivery of all major adaptations (those over £1,000) within the existing Housing Adaptations Team in Housing Strategy Division to ensure better, clearer and quicker delivery. Adult Social Care and the Integrated Community Equipment Service would continue to deliver minor adaptations in the private sector (for copy see minute book).
- 48.3 The Chairman informed the Committee that there had been an improvement in waiting times but there needed to be further improvement. The process had been made more efficient but there was now a need to look at the system as a whole.
- 48.4 Councillor Simpson wholeheartedly welcomed the report. She had come into contact with people who had been caught up in the system. The report was an honest analysis of the current situation. She hoped the changes would be a great success. Councillor Simpson commented that the changes could lead to a greater demand for the service.
- 48.5 Chris Kift thought it was a good report. He expressed concern about communication in the service. He had made a phone call and heard nothing further. He had also been allocated an occupational therapist to deal with an initial problem but had been subsequently allocated different occupational therapists. He had also experienced different quality of work. Mr Kift stressed the need for consistent quality of work in procurement.
- 48.6 The Chairman noted the above points and stated that the report was proposing a more simplified system of Occupational Therapy assessment.
- 48.7 Concerns were expressed about the link between the adaptations and repairs service and the Chairman replied that this matter would be investigated.
- 46.8 There was general agreement that there was a high demand for wet rooms rather than bathrooms with showers.
- 46.9 Barry Kent asked questions on behalf of the Tenants Disability Network. He was informed that 60 to 70% of the £750,000 spent on adaptations was used for showers. A more detailed breakdown could be sent to Mr Kent. The Disabilities grant was provided by the government and topped up by the council.
- 48.10 **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 Council moves towards a preventative approach to managing major adaptations demand proactively rather than as a response to a request for a Community Care Assessment.

- (2) That the council improves and simplifies the assessment and delivery of major adaptations (over £1,000) by focusing all assessment, recommendation and service delivery of major adaptations within the Housing Adaptations Service.
- (3) That capital and staff resources are realigned to this effect (as outlined in 3.11 below).

#### **49. WHEN A SOLE COUNCIL TENANT REQUESTS A JOINT TENANCY**

- 49.1 The Committee considered a report of the Director of Adult Social Care & Housing that confirmed that Council Allocations policy did not provide for the lawful creation of joint tenancies to existing sole tenants and a new partner. It was reported that maintaining this position would help the Council make best use of existing stock in order to meet housing need, without any significant disadvantage to tenants (for copy see minute book).
- 49.2 Steward Gover stated that he would not be voting for joint tenancies. He spoke of cases where relationships had broken down and women had ended up in refuges.
- 49.3 Heather Hayes asked if siblings would have succession rights to joint tenancies. She was informed that joint tenancies were for couples and not for siblings.
- 49.4 **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 current policy position is confirmed and no provision is made for the creation of joint tenancies where one party is already a sole tenant of the council.

#### **50. PROPOSED AMENDMENT TO LOCAL LETTINGS PLAN - BLOCKS FOR PEOPLE AGED 50 OR OLDER**

- 50.1 The Committee considered a report of the Director of Adult Social Care & Housing that explained that in November 2009, The Cabinet Member for Housing agreed a Local Lettings Plan that restricted lettings of flats that do not meet mobility standards in certain blocks to people aged 50 years or older. The Cabinet Member for Housing asked that consideration be given to extending this Local Lettings Plan to other suitable blocks (for copy see minute book).
- 50.2 Stewart Gover asked the Senior Solicitor if a son or daughter moving back to a flat leased to their parents, would be entitled to succession. The Senior Solicitor replied that the letting policy overrides the succession. Stewart Gover asked why the legal position regarding succession rights was not set out in the legal implications. The Senior Solicitor replied that the legal implications needed to be concise. The Chairman suggested that the legal position on succession could be added to the Cabinet Member report.
- 50.3 John Melson thought that the lettings policy should not be used to deal with anti-social behaviour. He thought the committee should look at vulnerability and need rather than age.

50.4 The Head of Housing Management reported that if Clarke Court were to become difficult to let, the council could vary the policy to let flats to people under 50.

50.5 Pat Miles welcomed the proposal for Clarke Court to be let to people over 50.

50.6 **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) Clarke Court to be designated as an over 50s block. All new lettings, except those of flats meeting the council's mobility standard, would be to people aged 50 years or older.

**51. LOCAL LETTINGS PLAN - BUNGALOWS IN LOCKWOOD AND KIPLING AVENUE, WOODINGDEAN**

51.1 The Committee considered a report of the Director of Adult Social Care & Housing which reminded members that in October the Committee had requested that a feasibility study was carried out to look at the most suitable future lettings arrangements for the 6 bungalows in Kipling Avenue and Lockwood Crescent. It was suggested that these might be excluded from the general bungalow Local Letting Plan, as this small development was a uniquely settled community of older and some very vulnerable, residents (for copy see minute book).

51.2 Councillor Wells informed the Committee that he was not happy with the report. He mentioned that there had been two recent cases where anti-social people had moved to the bungalows.

51.3 John Melson stressed that not all disabilities were physical and that psychological needs were as important as physical needs. He supported Councillor Wells.

51.4 Councillor Harmer-Strange asked about the difference between sheltered housing and mobility housing. The Head of Housing Management replied that sheltered housing was intended for people with support needs. Mobility housing available for everyone with a mobility need. She quoted paragraphs 3.5 and 3.6 of the report which stated that there were 782 households on the joint register who had been assessed as needing mobility standard accommodation.

51.5 The Assistant Director, Housing Management informed the Committee that the council was trying to get the balance between the local community and city wide need.

51.6 The Chairman stressed that anti-social behaviour was the key issue rather than the type of person the bungalows were let to. She made the point that over 50s could also cause problems.

51.7 Stewart Gover supported Councillor Wells and mentioned problems at Mayflower Court caused by anti-social behaviour.



- 51.8 Healthier Hayes commented that more should be done to ensure people allocated properties received the support they needed.
- 51.9 **RESOLVED** – That, following an indicative vote, the recommendations are not agreed by the Committee.

**52. WHEN A TENANT DIES - CUSTOMER CARE, SUCCESSION AND PEOPLE LEFT IN OCCUPATION**

- 52.1 The Committee considered a report of the Director of Adult Social Care & Housing that informed members that the council granted introductory and secure tenancies. This policy confirmed the council's succession policy when a secure or introductory tenant died. The council recognised that this was a sensitive area of tenancy management, and was committed to making consistent, fair decisions and implementing this policy sensitively. The Council was committed to making the best use of housing stock within the context of a very high demand for family housing. This informed policy around people left in occupation who were not entitled to succeed a tenancy and where people entitled to succeed were in occupation of property larger than they reasonably needed (for copy see minute book).
- 52.2 Stewart Gover raised the issue of sons and daughters who lived with parents who were joint tenants. When the parents died they had to move and in some cases notices to quit had been pinned on the door on the day of the funerals. The Head of Housing Management assured the Committee that notices on doors on the day of funerals would not happen again. She confirmed that there was no right for a child to succeed to their parent's joint tenancy. A child of a sole tenant could succeed to the property if they had lived in the property for 12 months before the parent died. They might however, have to move to a smaller property if the parent lived in a three bedroom flat.
- 52.3 The Chairman explained that the council was guided by housing law and this was confirmed by the Senior Solicitor. The Chairman suggested that it would be helpful for the Committee to have an information session on succession, in which members could be guided through case law.
- 52.4 The Senior Solicitor said he would be happy to give a presentation to the Committee on human rights issues in relation to succession.
- 52.5 **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) The policy is confirmed.
  - (2) That the customer care work undertaken around bereavement is noted.

**53. NEW REPAIRS PARTNERSHIP PROGRESS REPORT - PRESENTATION**

- 53.1 The Committee received a presentation with slides from the Senior Project Manager. The presentation explained that there would be a 10 year comprehensive partnership with Mears Limited. It went on to discuss partnership mobilisation, the Partnership

Workshop in October and the proposed "Super Centre". The Term Partnership Contract was to be signed in early December and residents would be fully involved in procurement and would be seen as equal partners (for copy see minute book).

- 53.2 The Senior Project Manager explained that it was hoped that the 'Super Centre' would be up and running soon after April and fully functional by April 2010. The Residents Action Zone would have designated space in the building.
- 53.3 Councillor Simpson asked whether the cost of the "Super Centre" had been in any budget and what impact it would have on the amount of savings in the new contract.
- 53.4 The Assistant Director, Housing Management explained that a report to Cabinet was seeking financial approval for the cost of refurbishment of the Super Centre. There would be a capital saving of 47 million over 10 years. There was no special budget provision as there had been no identified building. Now there was an identified building that the council would like to lease, officers were seeking approval for the lease of the building and the budget.
- 53.5 Chris Kift asked officers if they would be monitoring Kiers in the last four months of the contract. The Head of Repairs and Maintenance assured members that he was carefully monitoring the way Kiers performed. Their performance had improved in the last few months.
- 53.6 Stewart Gover requested that Mears were monitored as diligently as Kiers. He made the point that kitchens were not to the tenants' satisfaction.
- 53.7 The chairman reported that a clerk of works would be employed soon.
- 53.8 David Murtagh suggested that tenants representatives with knowledge of building works should check up on repairs. The Chairman thought this was a good suggestion. Volunteers would be required for 'Turning the Tide'. Meanwhile, she stressed that there was more than sufficient money in the budget to carry out repairs.

(1) **RESOLVED** – That the presentation be noted.

#### **54. THREE YEAR CAPITAL INVESTMENT PROGRAMME**

- 54.1 The Committee received a presentation with slides from the Head of Repairs and Maintenance which gave details of the proposals for City-Wide Improvement Programmes of Work 2010 to 2012 (for copy see minute book).
- 54.2 Heather Hayes asked why decent home standard kitchens and bathrooms were not being fitted in all properties. Some properties were not up to standard.
- 54.3 The Head of Repairs and Maintenance replied that all properties let met health and safety standards even if they did not meet decent home standards. Properties were improved on a need basis.

54.4 David Murtagh expressed concern that bedroom radiators in Moulscomb properties were too undersized and ineffective. The Chairman suggested he brought up this matter at the Area Panel.

(1) **RESOLVED** – That the presentation be noted.

**55. TENANT SERVICES AUTHORITY CONSULTATION ON NEW ARRANGEMENTS FOR REGULATING THE COUNCIL'S LANDLORD SERVICES**

55.1 The Committee considered a report of the Director of Adult Social Care & Housing that reported that the Tenant Services Authority (TSA) was expected to become the regulator of the council's landlord services from 1 April 2010 when, subject to Parliamentary approval, it becomes responsible for regulating all social housing landlords. The TSA had now published details of its proposed regulatory approach and standards for landlords for formal consultation.

55.2 The report outlined the content of the consultation document for noting by the Committee and proposed arrangements for Committee members, tenant representatives, residents, staff in both Housing Strategy and Housing Management divisions and other stakeholders, including the Social Landlords Forum, to be involved in the consultation (for copy see minute book).

55.3 The Housing Stock Review Manager informed the Committee that comments were required by 15 January 2010.

55.4 Stewart Gover commented that the Tenant Services Authority was a very powerful super quango. He suggested the Chairman wrote a letter to the TSA to assure them that the tenant movement in Brighton & Hove would never allow anything that fell below the standards they expected.

55.5 Councillor Simpson welcomed the proposals. She made the point that although the TSA might not be needed in Brighton & Hove, they might be needed elsewhere. One area that would be covered was local area co-operation and anti social behaviour. Housing Associations also struggled with this issue and a requirement for housing associations to work with the council would be advantageous.

55.6 **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 contents of the report be noted.

(2) That the consultation arrangements proposed in section 4 of the report be endorsed.

**56. HOUSING MANAGEMENT PERFORMANCE REPORT (QUARTER 2)**

56.1 The Committee considered a report of the Director of Adult Social Care & Housing that presented the Quarter two report for Housing Management Performance for the year 2009-2010. The report continued the new style of presentation and comparative benchmarking outlined in the end of year and quarter one reports presented previously to Housing management Consultative Committee (for copy see minute book).

56.2 **RESOLVED** - That the report be noted.

**57. ENERGY EFFICIENCY WORKING GROUP**

57.1 The Committee considered a report of the Director of Adult Social Care & Housing that explained that the Cabinet Member for Housing's Energy Efficiency Working Group had been set up for several months. Its aim was to mobilise, over time, the actions of many people to contribute to our society's wide and important sustainability agenda. As time progresses, officers would be seeking increasing support for the work to reduce fuel poverty, encourage change in individual behaviours, and increase community action on climate change initiatives (for copy see minute book).

57.2 Councillor Fryer welcomed the report and made some suggestions to for the Energy Efficiency Working Group to investigate, including individual metering where there were communal boilers. The Head of Housing Management (East Brighton) stated that some of the suggestions were included in the capital programme and would be taken up by the contract. Officers would be working closely with Mears to encourage the best outcome for the efficiency agenda.

57.3 Stewart Gover congratulated the Head of Housing Management (East Brighton) for her work on efficiency agenda. However he considered that energy efficient light bulbs should be used with care, as some lights had been known to cause epileptic fits. The Chairman stated that the issue of deposal of energy efficient light bulbs would be taken up.

57.4 John Melson stated that the Energy Efficiency Working Group were doing a great job and that the tenants were on board with this initiative.

57.5 **RESOLVED** - (1) That the contents of the report as an update on the work of the Cabinet Member for Housing's Energy Efficiency Working Group be noted.

The meeting concluded at 6.50pm

Signed

Chairman

Dated this

day of



# HOUSING CABINET MEMBER MEETING

## Agenda Item 75

Brighton & Hove City Council

**Subject:** Tenancy Agreement Review  
**Date of Meeting:** 6 January 2010  
**Report of:** Director of Adult Social Care & Housing  
**Contact Officer:** Name: Diane Freeland Tel: 29-3841  
E-mail: [Diane.Freeland@Brighton-Hove.gov.uk](mailto:Diane.Freeland@Brighton-Hove.gov.uk)  
**Key Decision:** Yes HSG 13718  
**Wards Affected:** All

### FOR GENERAL RELEASE

#### 1. SUMMARY AND POLICY CONTEXT:

- 1.1 To present the results of the statutory consultation carried out with all tenants on the adoption of a revised tenancy agreement for tenants living in council housing.
- 1.2 To present an amended draft of the revised tenancy agreement as a result of comments received during the consultation.

#### 2. RECOMMENDATIONS:

- (1) That the Cabinet Member for Housing notes the results of the consultation exercise and the themes arising as detailed in appendix 1.
- (2) That the Cabinet Member for Housing agrees to the implementation of the revised tenancy agreement, attached at appendix 2.

#### 3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS

- 3.1 During July and August 2009 a preliminary notice of variation was issued to all council tenants. This notice was the first stage of our consultation with all tenants about making changes to the tenancy agreement and gave tenants the opportunity to make comments. Tenants were invited to give their comments in a variety of ways. These were:

- by returning a feedback form
- by contacting their local housing office either on the telephone or in person
- by email
- by attending a drop in surgery (sheltered housing tenants)

Tenants who had indicated they had literacy issues or who were working with the tenancy sustainment team were also contacted by the housing teams to discuss the agreement and the proposed changes.

Copies were made available in large print, audio tape and Braille. Interpreters were arranged on request and contact was made with the council's Community Support Team who support residents with learning disabilities. An easy read document to accompany the tenancy agreement is currently in development and the Community Support Team were provided with a draft copy to assist with explaining the agreement to their clients.

3.2 The feedback form was split into five sections to reflect the sections in the new tenancy agreement:

- Your rent and other charges
- Repairs and improvements
- Living in your home
- Being a good neighbour
- Ending your tenancy

Tenants were able to say overall how much they agreed or disagreed with each section of the revised agreement and to say if there was anything else they thought should be included or anything that should be removed. Tenants were also able to provide any other additional comments they had on the agreement. The consultation period ended on the 18 September 2009.

3.3 We received 2327 feedback forms and an additional 57 responses to the consultation. This represented a 16.9% response rate. For those returning feedback forms there was a high level of agreement for the changes in each of the sections of the agreement. Over 90% agreed with most or all changes within each section. A full breakdown is enclosed in the following table.

<b>Overall do you agree or disagree with the changes under....</b>	<b>Agree with all</b>	<b>Agree with most</b>	<b>Agree with a few</b>	<b>Do not agree with any of them</b>
<b>Your rent &amp; other charges</b>	62.1%	30.6%	6.5%	0.7%
<b>Repairs &amp; Improvements</b>	54.5%	35.9%	8.2%	1.4%
<b>Living in your home</b>	62.6%	30.3%	6.1%	1.0%
<b>Being a good neighbour</b>	71.8%	22.6%	4.9%	0.8%
<b>Ending your tenancy</b>	66.4%	27.5%	5.1%	1.0%



3.4 A third (34%) of tenants who responded included additional comments about what more should be included and or what should be removed. A total of 1615 comments were received on the revised tenancy agreement. Comments related both directly to the contents of the new agreement, the service we currently deliver and the service tenants would like to receive from their landlord. The comments on service delivery have been passed to heads of service to help inform improvements. Feedback on how we have used this information and the results of the consultation will be reported back to all residents in the spring edition of homing in.

#### 4.0 **CONSULTATION FEEDBACK**

4.1 On the 23 October 2009, the Chairman's resident focus group met with officers to review the comments and decide on changes needed to the agreement. Attached at appendix 1 is an overview of the comments received on the draft tenancy agreement grouped into subject areas and our responses.

4.2 The comments outlined in appendix 1 have been used to make changes to the draft tenancy agreement. The feedback has been invaluable and has enabled officers and the resident focus group to ensure that the agreement is fair and easy to understand. A revised draft is attached at appendix 2. Changes to the agreement have been highlighted in red.

4.3 The results of the consultation and revised tenancy agreement were presented at Housing Management Consultative Committee on the 7 December 2009. The committee noted the results of the consultation and endorsed the revised version of the agreement. A further amendment has since been suggested to clause 2.5 of the draft agreement to clarify our position should alterations or improvements take place without our written permission. This has now been included in the draft attached at appendix 2.

4.4 The next stage will be to implement the revised agreement. We will write to all tenants issuing them with Notice of Variation, which will vary the conditions of tenancy. This document will summarise the main changes and will give a date when the revised tenancy agreement will come into effect, which will be at least 28 days from the date of the notice. We anticipate the agreement coming into effect in March/April 2010.

#### 5. **FINANCIAL & OTHER IMPLICATIONS:**

##### Financial Implications:

5.1 The direct expenditure relating to this review is estimated to be 38,000 and will be resourced from within the HRA revenue budget for 2009/10. This expenditure will be reported as part of the monthly TBM (Targeted budget Management) process for 2009/10.

*Finance Officer Consulted: Monica Brooks, Principal Accountant Date: 04/11/09*

Legal Implications:

- 5.2 Section 103 of the Housing Act 1985 prescribes the procedure to be adopted when varying the terms of secure and introductory tenancies. Tenancies are varied by serving a Notice of Variation, prior to which there must be a period of consultation with tenants in which they can comment on the proposed changes. The landlord must consider those comments. This report demonstrates that the Council has complied with the statutory requirements to date. 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: Liz Woodley*

*Date: 04/11/09*

Equalities Implications:

- 5.3 The development of the revised tenancy agreement has been taken with due regards to equalities and diversity issues and will be available in a range of formats to meet to meet tenants needs. Feedback from the consultation has been used to finalise the Equality Impact Assessment on the revised tenancy agreement.

Sustainability Implications:

- 5.4 An effective tenancy agreement will contribute to the development of sustainable communities.

Crime & Disorder Implications:

- 5.5 The revised tenancy agreement will positively contribute to preventing crime and the fear of crime by stating the types of anti social behaviour and harassment that is prohibited and the enforcement action that the council can take should such behaviour occur.

Risk and Opportunity Management Implications:

None

Corporate / Citywide Implications:

- 5.7 The introduction of a revised tenancy agreement will have citywide implications for council tenants.

**6. EVALUATION OF ANY ALTERNATIVE OPTION(S):**

- 6.1 Continue with the existing tenancy agreement. However this is not recommended, as it does not allow the council to take advantage of developments in best practice and does not reflect the wishes of tenants. During the consultation exercise whose who responded expressed a high level of support for the changes the council were proposing to make. We need to ensure we have a comprehensive agreement, which covers all the areas of tenancy management and reflects the priorities that are important to the council and tenants.

## **7. REASONS FOR REPORT RECOMMENDATIONS**

- 7.1 To provide the Cabinet Member for Housing with the results of the tenancy agreement consultation. To seek the Cabinet Member for Housing's agreement to the implementation of the revised tenancy agreement, attached at appendix 2.

### **SUPPORTING DOCUMENTATION**

#### **Appendices:**

- Appendix 1: Tenancy Agreement Consultation Comments  
Appendix 2: Draft Tenancy Agreement

#### **Documents in Members' Rooms**

None

#### **Background Documents**

None



<b>Your rent &amp; Other Charges</b>	
<b>Comments</b>	<b>Response</b>
Flexibility on the day that payments can be made.	We are unable to change the 'due date' that payments need to be received by. This is because payments do need to be made on or before the due date to avoid any arrears accruing. We offer a range of payment options to assist with this.
Lack of clarity about the meaning of support charges and other charges.	We have clarified that support charges refer to sheltered housing tenants.  We have divided the section into 'our' and 'your' responsibilities and provided clarity on the types of charges that are included in other charges.
Requests for longer notice period for rent increases.	By law we are required to provide at least four weeks notice before increasing or reducing the rent. We are unable to guarantee that we will provide additional notice due to when we receive notifications of changes. However these changes usually take place in April each year. We have added this information and hope this will assist tenants with planning for changes in their rent and other charges.
Concerns that rents will be increased more than once a year.	We have clarified that rent increases usually take place in April each year in line with government guidelines.
Clarity wanted on how to resolve issues with joint tenancies.	We have invited tenants to contact their housing office to discuss any issues relating to joint tenancies.
Requests for information on non payment and payment types.	We have advised tenants to refer to their tenant handbook for details of payment methods and the consequences of non payment.
Comments on new service charges and what these may be.	We have included a responsibility for us to consult with tenants before new services and charges are introduced.

<b>Repairs and Improvements</b>	
<b>Comments</b>	<b>Response</b>
<p>Increase the landlord’s responsibilities and give more examples of what should be included.</p>	<p>The council has responsibility for repairs under S11 Landlord &amp; Tenant Act 1985 and any further amendment. We have outlined our statutory responsibilities and provided further examples to help clarify our responsibilities. We are unable to include all of the examples under the clause but encourage tenants to check the guide for repairs or contact the repairs helpdesk if they are unsure of who is responsible for a repair.</p> <p>Some examples of responsibilities that tenants would like to be included are current tenant responsibilities for example fencing and internal doors. These will remain the responsibility of tenants unless there is a change in policy which is beyond the scope of the tenancy agreement review.</p> <p>We have also outlined the key repairs rights as a tenant – the right to repair, the right to carry out improvements with permission (secure tenants) and the right to compensation for improvements.</p>
<p>Clarity on the wording used – what does when necessary, reasonable mean?</p>	<p>We have clarified that ‘reasonable notice’ will depend on the urgency of the situation.</p> <p>In clause 2.2 we have indicated that we will decorate the outside of your home and shared parts when necessary. There were comments stating this was vague and that a timescale should be provided. On balance we have decided to keep the wording as each property is different and therefore the timescales for decoration may need to vary. This wording allows us to respond on an individual basis.</p>

Comments	Response
References needed for help with repairs for sheltered housing tenants, older tenants and tenants with disabilities.	We have included a reference to encourage any sheltered housing tenants, older tenants and tenants with disabilities to contact us about the help they may be able to receive with minor repairs and decoration.
Why is the council giving itself more powers of entry to properties?	Within the revised tenancy agreement the council has not created additional powers of entry to the property and will always give reasonable notice where possible. In an emergency we may need immediate access and we have included some examples of circumstances when this may be necessary.
References needed to the 'guide to repairs'.	We have included references to the 'guide to repairs' where applicable as further explanations can be found in this document.
Clarity is required on what is a minor repair.	We have not provided further clarification on what constitutes a minor repair in the agreement. This information is available in the guide to repairs and tenants are encouraged to refer to this.
<p>Queries concerning laminate and hard flooring clauses. A variety of views were expressed :</p> <ul style="list-style-type: none"> <li>- support for clause and enforcement</li> <li>- concerns regarding existing flooring</li> <li>- concerns regarding the costs attached to alternative flooring</li> <li>- whether permission should be required</li> <li>- whether permission should be required for houses</li> </ul>	<p>There were a number of conflicting comments on the requirement to seek permission for laminate or hard flooring. Some comments were supportive of the introduction of this clause due to problems of noise nuisance, with others expressing concerns.</p> <p>On balance we have decided not to amend the conditions attached to this clause due to the problems that have been experienced through the installation of laminate and hard flooring, but we have made some changes to the wording and condensed this into one clause. We also do not propose to only ask permission from tenants living in flats or maisonettes as all secure tenants need to seek permission to make improvements. We have however outlined in the clause when we will be likely to give permission.</p>

Appendix 1

Comments	Response
Information should be included on home improvement grants and access to different agencies.	We have not included information on home improvement grants and access to agencies. This information is not within the scope of the tenancy agreement.
Penalties should be included for late repairs i.e. lifts.	We have not included information on penalties within the agreement. This information is available in the guide to repairs.
Information should be included on giving feedback on the quality of repairs.	We have not included information on how to provide feedback within the agreement. This information is available in the guide to repairs.
We should include timescales for repairs.	We have not included information on timescales within the agreement. This information is available in the guide to repairs.
A clause should be inserted regarding checking the electrics every year.	We have not added a new clause about inspecting the electrics in properties annually as current legislation does not require us to do this annually. We are required to inspect the electrics within properties every 10 years and we carry out electrical safety inspections when properties become vacant.
Information should be included on adaptations and the timescales for completing these.	We have not included information on adaptations and timescales as adaptations are extremely varied in nature, cost and timescale it is not practical to do this. Information readily available elsewhere can be updated frequently and will therefore be more accurate than if included in the tenancy agreement.
Clause 2.4 (notifying us of repairs) and 2.6 (carrying out minor repairs) should be one clause.	We have kept the clauses separate as they deal with two different issues (now clauses 2.7 & 2.9)
Some types of improvements (CCTV & Satellite Dishes) should not need permission.	We have not excluded certain types of improvements from the clause as any alterations and additions do require our permission.



<b>Living in your Home</b>	
<b>Comments</b>	<b>Response</b>
Clarity is needed on the council's responsibilities.	We have clarified our responsibilities by providing some examples of support services.
We shouldn't allow lodgers or sub tenants.	In the Housing Act 1985 secure tenants have the right to take in lodgers or sublet part of the home (with our written permission). These are statutory rights which can not be removed. We have moved these clauses into a section on 'your rights' to make this clear and have highlighted in bold 'as long as this does not cause overcrowding' (lodgers) and 'written permission is required' (sub tenants).
The assignment & right to exchange clause isn't clear.	We have amended the wording of the right to exchange clause to refer to 'mutual exchanges', which is a frequently used term.
Tenants should not need to notify the landlord if they are away from the property for over 28 days.	We have listened to the concerns that tenants have expressed about notifying us if they are away from the property for over 28 days. Although we propose to keep the clause we have removed the requirement to notify us in writing to make the process less onerous and have provided some further explanation as to why we require this information.
Loft space in flats should be able to be used.	We have not removed the clause restricting tenants in flats using loft space. This is because the loft space in flats is not part of the demised premises and is either not self contained (shared with other flats) or used for communal facilities.
Do all types of business being run from home require permission?	We have not excluded certain types of businesses from being run from home without permission but have included a reference to when we may give permission. This is dependant on the nature of the business and its impact on neighbours. We appreciate that many businesses may be run from home without causing a nuisance or annoyance. We want our tenancy agreement to support small home businesses, but we still need to have the right to take action if the business causes problems.

Comments	Response
The term 'overcrowding' needs to be defined.	<p>We have advised tenants to contact their housing office for clarification on how many people can live in the property before causing overcrowding.</p> <p>For new tenants we have specified the maximum number of people that can live in the property in the 'your tenancy details' section.</p>
Insert a clause on allowing the fire service access to fit smoke alarms.	We have not included a clause requiring tenants to provide access to the fire service to install a smoke alarm. This is a voluntary agreement and can not be enforced by the tenancy agreement. We will however continue to promote the importance of fire safety and encourage residents to take up assistance from the fire service.
Include a section on the right to buy scheme.	<p>We have included a section on the right to buy and advised tenants where they can access further information.</p> <p>We have also provided further information on tenant's rights in this section – the right to live in the property and the right to manage.</p>
Tenants should downsize if they no longer need a larger property.	We are unable to add a clause requiring tenants to downsize if they no longer require a family sized property as the law does not allow us to do so. Due to the shortage of social housing it is important that we make best use of our limited stock and we will continue to promote incentives and the help available for tenants wishing to downsize.

<b>Being a Good Neighbour</b>	
<b>Comments</b>	<b>Response</b>
The clause on feeding birds and animals prevents tenants feeding all wildlife.	We have amended the wording on feeding birds and animals to reflect the type of issues that can cause a nuisance.
A variety of views were expressed about the pets clause - support for the clause and tougher enforcement - concerns that the clause is too strict and should be in line with the current tenancy agreement - views that permission shouldn't be sought.	We have not amended the conditions attached to the pet clause. We will not unreasonably withhold permission, but asking people to seek this ensures we can remind people of the need to be considerate, responsible, pet owners.
More flexible wording is needed regarding the storage of oxygen cylinders.	We have made some minor amendments to the wording of this clause but we have not removed the requirement to seek permission. This is because we do need to know whether these items are being stored in our properties for fire safety reasons.
Further examples of anti social behaviour were provided e.g. bonfires, barbeques.	We have not added further examples of ASB. The tenancy agreement needs to be of reasonable length and it is not possible, or desirable to be prescriptive about each potential source of anti social behaviour.
Times should be specified for when loud music or DIY is prohibited.	We have not added specific timings. This is because we encourage local neighbourhood agreements and know most tenants will behave responsibly.
Include a reference to the transfer process for harassment cases.	We have not included information on transfer options for harassment cases. This information is contained in the tenant handbook.

Appendix 1

Comments	Response
Remove clause 4.10 (not causing damage) as it is repeated in the repairs section.	We have deleted this clause.
There was general agreement to keeping shared areas clear but mobility scooters should be allowed if they are needed.	We have made some minor amendments to the wording on the clause requiring shared areas to be kept clear. We have kept the requirement to seek permission if you wish to store a mobility scooter in shared areas. The safety of all residents in the event of a fire is essential and therefore we do need to ensure shared areas are managed appropriately.
Help to maintain gardens is needed for older tenants and disabled tenants.	We have encouraged tenants to seek advice if they are experiencing difficulties maintaining their garden.
Clause 4.7 - include paedophilia as an example as drugs is used twice and remove the word 'immoral' as it is subjective.	We have included paedophilia as an example in clause 4.7 and removed the word immoral. As we have removed the word immoral we have also removed the example of prostitution as this is not a criminal or illegal activity.
Add 'housing' to local roadways (now clause 4.12).	We have clarified that we are referring to housing roadways.
Add a clause on tenants forming own groups to enhance security.	We have not inserted a new clause regarding residents setting up new groups to enhance security. Instead we will promote alternative actions such as the neighbourhood watch scheme in the tenant handbook.
Use the word 'respect'.	The tenancy agreement sets out the council's expectation that residents will behave respectfully.
Insert a clause about not producing offensive smells from properties.	We have not included a clause on 'not producing offensive smells from properties'. If a nuisance occurs this can be dealt with under our nuisance clause.

Appendix 1

<b>Comments</b>	<b>Response</b>
Bring clauses 4.11, 4.12 & 4.20 together into one clause (fire safety equipment, emergency alarm equipment and security equipment in shared areas)	We have brought clauses 4.11, 4.12 & 4.20 into one clause – now clause 4.10.
No tolerance of racist or homophobic behaviour – ensure our actions are clear.	We have clarified the legal action we can take if there is nuisance or harassment on any ground.
Should domestic violence just be a police matter?	Domestic Violence is both a civil and criminal matter and as a landlord we wish to ensure that our position on domestic violence is clear and the consequences are outlined. We therefore propose to keep this clause within the agreement.
Balconies should be kept clear.	Our garden clause (4.18) specifies that balconies need to be kept tidy. We do not propose amending this clause to state they must be kept clear.
Should say 'will' take action and not 'may' take action.	We have inserted 'will take action' where appropriate.
Add information on neighbourhood agreements.	We have not included information on neighbourhood agreements. This information will be contained in the tenant handbook.
Clarify what 'in the area of your home' means.	We have clarified that the locality and in the local area refers to the neighbourhood and ensured that this wording is used throughout the agreement.

<b>Ending Your Tenancy</b>	
<b>Comments</b>	<b>Response</b>
There should be the option to leave floor coverings and/or furniture when a tenant leaves the property if they in a good condition.	We have provided additional information that tenants should contact their housing office if they are unsure about what to leave in the property. In addition to condition of the items, there are also issues of personal taste. Incoming tenants may well either have their own carpets and furniture, or prefer to purchase items to their own taste; in which case this would not be fair to the incoming tenant who would need to pay to remove the items left behind.
There was disagreement with the rules of succession.	The Housing Act 1985 outlines the rules of succession and we are unable to change the legal position. However we have included additional information about contacting us to discuss rehousing options should a succession have already taken place. Our allocations policy allows us in certain circumstances to make further offers but each case will need to be reviewed on an individual basis.
There should be information on different housing options and support.	We do not propose to include information on housing options. This information is contained in the tenant handbook and in literature held at the housing offices.
There should be further information on how to resolve a joint tenancy if one party leaves.	We have encouraged tenants to contact their housing office if they should have any queries regarding joint tenancies.
We should include the 'return of alarm equipment' at the end of a tenancy alongside the return of keys.	We refer to pendant alarms being returned at the end of the tenancy and do not propose making further references to alarm equipment.
We should reword the Notice to Quit as it is insensitive.	We have amended the wording of the 'Notice to Quit' to 'Notice'.
More information should be included on abandonment.	There is already a clause on what action we will take in the event of the property being abandoned (clause 3.9). We therefore do not propose to add additional information.

Comments	Response
There should be some flexibility in the notice periods.	We do not intend to change the notice periods. At present tenants are required to provide four weeks notice (or two weeks if transferring to another Brighton & Hove City Council tenancy). However we can agree a shorter notice period or waiver the rent liability but we will only agree this in special circumstances. For example if the tenant has died and the executor is able to clear the property within the first two weeks of the notice period we will not charge rent for the final two weeks of the notice period, or if you are transferring to another Brighton & Hove Council tenancy you only need to provide two weeks notice. If you are moving to a Housing Association property you will need to provide four weeks notice.
Information on where tenants can seek independent legal advice should be included.	We have included information on where tenants can seek legal advice if they have any queries regarding their tenancy or their rights. This is included on the front page of the agreement.

### General Comments

Comments	Response
Support for the agreement and the new clauses. Tenants commented that it needs to be properly enforced.	Comments noted.
A Data Protection Statement is required.	A Data Protection Statement has been added.
We need to make reference to where you can get a handbook and guide to repairs.	We have included information on where tenants can obtain a tenant handbook and guide to repairs.

<b>Comments</b>	<b>Response</b>
<p>Legal references should be marked with an asterisk to enable tenants to refer to them.</p>	<p>We have decided not to asterisk legal wording in the document. The Tenancy Agreement is a legal document. Asterisks could cause confusion for some tenants and could give the impression that some sections are more important than others.</p>
<p>A variety of views were expressed on photographs:                      - the introduction of photographs is an infringement on human rights.                      - support for the introduction of photographs for security purposes.</p>	<p>We have kept the section under 'your tenancy details' for photographs but have renamed this 'photographs of tenants' as there was a lack of clarity regarding whose photographs would be required.                      At the present time we do not request photographs of tenants as part of our lettings process.                      Should we wish to introduce this a report would be presented to Housing Management Consultative Committee and Housing Cabinet for a decision.                      We want to keep this section in the agreement to give us the flexibility in case we wish to introduce it in the future.</p>
<p>The agreement needs to be made available in alternative formats and needs to be accessible i.e. colours, underlining.</p>	<p>We will ensure that the document is available in alternative formats and that we advise tenants how they can obtain these. We have also ensured that the document meet accessibility guidelines regarding the use of colour, layout etc.</p>
<p>The agreement lacks a commitment to housing standards in Europe.</p>	<p>We have noted the comments about Housing Standards in Europe, but this tenancy agreement is specific and local to Brighton &amp; Hove City Council tenants.</p>
<p>Introductory and secure tenants should have separate agreements.</p>	<p>At present we have separate tenancy agreements for introductory and secure tenants. We wanted to combine these to have one agreement to avoid any confusion for tenants.</p>



<b>Comments</b>	<b>Response</b>
Include arrangements for emergency out of hours situations.	We do not intend to include information on out of hour's emergency situations. This information is contained in the tenant handbook.
How have you ensured confidentiality when postcodes are disclosed?	The council's Research and Consultation team were responsible for compiling responses and used postcode information to determine the level of responses from each area of the city (neighbourhood offices). The Research and Consultation team do not have access to personal tenant data and have only provided an analysis to housing management on the level of responses via neighbourhood office and not via individual postcodes.
How do we impose the conditions if a tenant disagrees?	The Notice of Variation will vary the conditions of tenancy and will provide a date when the changes will come into effect.
Restrictions on lettings to certain types of properties should be included i.e. no under 10's in certain properties.	We do not intend to include information on allocation policies as this is beyond the scope of the tenancy agreement. This information can be accessed through the allocations policy and Local Lettings Plans.
There is an in balance between landlord and tenant responsibilities in favour of the landlord.	We have listened to the comments about the balance of landlord and tenant responsibilities and have inserted further information on tenants rights and have included these in the relevant sections.
The agreement needs a plain language check – not always clear or understandable.	The council's communications team have completed a further plain language review on the document.
The agreement should be printed on recycled paper.	The agreement will be printed on recycled paper.



## Welcome to your new home

Brighton & Hove City Council would like to welcome you to your new home and neighbourhood. We hope that you will be very happy as a council tenant.

This tenancy agreement sets out both your responsibilities and rights as a tenant and those of the council as your landlord.

It is important that you understand this tenancy agreement as it sets out the conditions of a tenancy with Brighton & Hove City Council. You have the right to get independent legal advice from a solicitor, Citizens Advice Bureau or a law centre if you are unsure about signing this agreement or would like advice about your rights and responsibilities.

**This is an important legal document. Please keep it safe.**

## Type of tenancy

If you are not currently a 'secure' or 'assured' tenant, you will be an 'introductory tenant' for the first year of your tenancy with the council.

If you transfer from another of our properties, you will continue to be a secure tenant unless you are still in the first year of your introductory tenancy. In this case, your introductory tenancy continues at the new property until the end of the first year.

Your type of tenancy is indicated below. You will find more details about introductory and secure tenancies in the tenant handbook.

- You have an Introductory Tenancy** with us, which we have given you under the Housing Act 1996. It will last one year until \_\_\_\_ / \_\_\_\_ / \_\_\_\_\_. After this date, it will automatically become a secure tenancy unless we have applied to court to gain possession of your property or it has been extended for a further six months.
- You have a Secure Tenancy** with us, which we have given you under the Housing Act 1985.

## Joint tenancies

If you are signing this agreement with someone else - such as your husband, wife, civil partner or partner - you will be a joint tenant. In joint tenancies, each tenant is jointly and individually responsible for all of the conditions of this agreement. This means that if one tenant leaves the home, both tenants remain responsible for the conditions of the tenancy until the tenancy is ended.

**Please ask at your housing office if you have any questions about the type of tenancy you have.**



As a council tenant you have a number of legal rights. We have summarised these throughout the agreement and indicated where these only apply to secure tenants. You can get further information about these rights from the tenant handbook or your housing office.

## **The right to see your housing records**

As a landlord, we hold information about you and your family in connection with your tenancy and your housing application. The Data Protection Act 1998 gives you, as a council tenant, certain rights to see your personal housing file so that you can check the details to make sure they are correct. If you would like to know more about this please contact the Data Protection Officer, Hove Town Hall, Norton Road, Hove, BN3 4AH.

## **The right to be consulted**

We believe that it is important that you are involved in housing management decisions that affect you. We will consult with you about any changes to our policy or practice that may substantially change the housing service we provide to you, your home and your neighbourhood.

Except for changes to rent or any other charges, the terms of this agreement can only be changed if we give you written notice that we intend to alter the agreement. We will write to you and tell you about the changes we are going to make and give you the opportunity to comment. We will take your views into consideration before agreeing any changes and give you at least four weeks' notice before the change takes place. This tenancy may also be changed where you and we agree in writing.

## **Tenancy conditions**

Your tenancy conditions are the rights and responsibilities you have as a tenant and those we have as a landlord. This agreement does not remove any rights you or we have which are set out in the Housing Acts or other law.

In these tenancy conditions, 'we', 'us', or 'our' refers to Brighton & Hove City Council. 'You' refers to you the tenant or, in the case of joint tenancies, you and the person you have signed this agreement with. You are responsible for the behaviour of all members of your household, including your children and any lodgers, subtenants or visitors ('they').

In the tenancy conditions, when we refer to 'your home' or 'the property', we mean the premises you live in including any garden, balcony, parking area or storage area that is used by you.

It is very important that you read these conditions carefully as you may lose your home if you do not keep to them.

Most of the tenancy conditions are the same for introductory and secure tenancies, but some conditions only apply to one or the other. We have indicated where this is the case in this agreement.

Throughout this agreement, we refer to the tenant handbook and guide to repairs. Copies of these booklets are available from your housing office.

## **Contents**

- 1. Your rent and other charges**
- 2. Repairs and improvements**
- 3. Living in your home**
- 4. Being a good neighbour**
- 5. Ending your tenancy**

# 1. Your rent and other charges

## Our responsibilities:

1. We will provide you with details of your weekly rent and other charges you need to pay. We will tell you in writing when your weekly rent and charges change.
2. We may increase or reduce your rent and other charges. If this is going to happen we will give you at least four weeks notice in writing. This usually takes place in April each year in line with government guidelines.
3. We will consult with tenants before new services and charges are introduced.

## Your responsibilities:

4. You must pay your rent and other charges on or before the date it is due. The rent and other charges are due on Monday every week. If you choose to pay fortnightly or monthly you must pay in advance. We offer a number of methods of payment and these are set out in the tenant handbook. Examples of other charges include, but are not limited to, sheltered housing support charges, cleaning charges and heating charges.
5. If you have a joint tenancy, each joint tenant is responsible for paying the rent, other charges and any outstanding arrears. Even if one joint tenant leaves, both tenants will still be responsible for the full weekly charges for the property and any outstanding arrears until the tenancy is ended. For further information on joint tenancies, please contact your housing office.
6. You must pay any rent arrears due in accordance with any agreement entered into with us. This also applies to any arrears accrued from a previous tenancy you have held with us. The consequences of non-payment are included in the tenant handbook.

# 2. Repairs and improvements

## Our responsibilities:

1. We are responsible for keeping the following items in good repair and working order:
  - the structure and outside of **your home including but not limited to** drains, gutters and pipes
  - all fittings, pipes and connections for supplying water, gas and electricity
  - all equipment for sanitation including basins, sinks, baths and toilets
  - **all kitchen units and worktops provided by the council**
  - all equipment that provides heating and hot water

If you live in a flat, we will keep the shared parts and services clean and in a good state of repair. This includes but is not limited to entrances, door entry systems, halls, stairways, lifts, passages, refuse chutes and lighting.

2. We will decorate the outside of your home and the shared parts when necessary.
3. We will keep communal grounds and landscaped areas that are our responsibility clear and tidy.

## Your rights:

### 4. The right to repair

The right to repair makes sure that certain small, urgent repairs - known as 'qualifying' repairs are completed within a specified time. These are normally repairs that are likely to affect your health, safety or security. In certain circumstances you may get compensation if we fail to meet the requirements of the regulation. Further information on the scheme is included in the guide to repairs.

### 5. The right to make improvements (secure tenants only)

You have the right to improve your home as long as you get our written permission first. An improvement means an alteration or addition to your home. This includes, but is not limited to:

- the fixing of satellite dishes and aerials
- the installation of CCTV cameras
- the installation of hard flooring such as laminate flooring
- building and electrical works

You must apply for our permission and give full details of the work you want to carry out. You may also need planning or building regulation consent. The tenant handbook gives more details about this. If you carry out any improvements or alterations without our written permission you will be asked to remove them and restore the property to its former condition. You will be responsible for any costs involved in carrying out this work. If you fail to make good the unauthorised work by reinstating the property as agreed with us, we will be entitled to do all necessary work ourselves. If we do so we are entitled to recover reasonable costs from you for carrying out this work.

**If you have an introductory tenancy we will not give you permission to carry out improvements or alterations to your home. You will need to seek permission once your tenancy becomes secure.**

### 6. The right to compensation for improvements

This scheme gives tenants the right to claim compensation for some authorised improvements that they have made to their home when they move out. Please contact your housing office for further information on qualifying criteria.

## Your responsibilities:

7. You must let us know when a repair that is our responsibility needs to be done. You will find details of how to **contact** the repairs service in the guide to repairs.
8. You must keep your home, including fixtures and fittings, clean and in good condition and make sure that other members of your household and people visiting you do the same.
9. You are responsible for minor repairs and you should decorate all internal parts of your home as often as is necessary to keep them in good decorative order. You will find more details on this in the **guide to repairs**. Exceptions are made in some cases for people over 70 years of age, people with a disability and sheltered housing tenants. Please contact the repairs helpdesk for further advice on your individual circumstances.
10. You must allow our officers and people we authorise into your home at reasonable hours to:
  - inspect the condition of your home
  - carry out any work that may be necessary to your home or adjoining properties

- inspect and maintain any gas and electrical installations
- carry out annual servicing of the council's gas appliances to meet health & safety standards

We will give you reasonable notice of when access is needed, **this will vary according to the urgency of the situation**. Our contractors and employees may enter your home without giving notice if we believe that entry is necessary due to an emergency which could cause injury, or damage to your home or to a neighbouring property.

11. In an emergency you must give our officers and people we authorise immediate access to your home. **Emergencies may include situations which place you and / or your neighbours in danger or their properties at risk. For example, if the property is in a dangerous structural condition or burst pipes or overflowing water which can damage your home or neighbouring properties.**
12. You must get our written permission if you want to install a hard floor finish such as laminate flooring, hardwood overlay or ceramic tiles, or if you want to have bare floorboards in any room in your home. We will not refuse permission unreasonably but we will probably only grant permission if you live in a house or ground floor flat. You must use an underlay and ensure it is properly installed to minimise noise nuisance.

**As the use of hard floor finishes can cause nuisance to your neighbours due to noise transmission, the following condition applies if we are aware of noise nuisance coming from your home:**

- You must keep all floors, including hallways and stairs, covered with carpet and an underlay, or with a similar floor covering that has similar noise-reducing qualities. This does not apply to kitchens and bathrooms where floor coverings have been supplied by the council.

If you carry out any of the above alterations without our written permission and fail to put down an appropriate floor covering, we will be entitled to remove it. If we do so we are entitled to recover reasonable costs from you for carrying out this work. The tenant handbook gives more details about this. **If you have an introductory tenancy we will not give you permission to carry out improvements or alterations to your home. You will need to seek permission once your tenancy becomes secure.**

13. If you or any member of your household or visitors cause any damage to the property or any shared areas, you will have to make good the damage or pay repair costs. If the damage was not caused by accident, the council will normally support any police prosecution that may follow. The tenant handbook gives more details of what is covered under this condition.

### 3. Living in your home

#### Our responsibilities:

1. We may provide, or help to arrange, support services to help you to maintain your tenancy and maintain the security and safety of the home, as agreed with you. These support services may be provided by us or by an agency on our behalf. **Support services include sheltered housing scheme managers, support from the tenancy sustainment team and referrals to specialist money advice agencies.**

#### Your rights:

##### Your right to live in the property

2. This agreement gives you the right, as a tenant, to live in the property unless there is a legal reason for us to take action against you to recover possession of the property. For example, this might happen if:
  - you break any of the conditions of this agreement. If you do we may take legal action to force you to meet the conditions, or ask the court for permission to evict you



- you stop using the property as your only or main home
- you have given false or fraudulent information to get the tenancy
- we need to carry out redevelopment or major repairs to the property, which we cannot do unless you move out
- there is a legal ground for possession under the Housing Act 1985, the Housing Act 1996 or any other law

### **Your right to take in lodgers (secure tenants only)**

3. You may take in lodgers or have members of your family living with you, **as long as this does not cause overcrowding**. Your housing officer can advise you of the number of people that can live in your home. If you take in a lodger, you are responsible for them and their visitors' behaviour, including any noise nuisance or damage they may cause. Any anti-social behaviour by your lodger(s) may lead to us taking action against your tenancy.

### **Your right to sublet part of your home (secure tenants only)**

4. You may sublet part of your home, **as long as you get our written agreement first**. You are not allowed to sublet the whole of your home. If you do sublet part of your home, you are responsible for the behaviour of your sub-tenant and their visitors, including any noise nuisance or damage they may cause. Any anti-social behaviour by your sub-tenants may lead to us taking action against your tenancy.

### **The right of assignment / the right to exchange**

5. Your tenancy may only be transferred to someone else (known as assignment) in the following circumstances:

#### **If you are an introductory tenant**

- By a Court Order under the Matrimonial Causes Act 1973, the Matrimonial & Family Proceedings Act 1984, The Children Act 1989 or the Family Law Act 1996.
- To a 'potential successor', meaning someone who would be qualified to take over your tenancy in the event of your death.

The tenant handbook gives more information on this.

#### **If you are a secure tenant**

- Under the Right to Exchange, with our written permission, **often referred to as a mutual exchange**.
- By a Court Order under the Matrimonial Causes Act 1973, the Matrimonial & Family Proceedings Act 1984, The Children Act 1989 or the Family Law Act 1996.
- To a 'potential successor', meaning someone who would be qualified to take over your tenancy in the event of your death.

The tenant handbook gives more information on this.

### **The right to buy (secure tenants only)**

6. Secure tenants have the right to buy their homes subject to certain criteria. The right to buy does not apply to sheltered or specially adapted properties. Please contact your housing office for further information on qualifying criteria.

### **The right to manage**

7. You have the right to take over the management of your own home. This right can be taken by tenants forming a tenant management organisation in a particular block or estate. Please contact your housing office for further information on qualifying criteria.

## **Your responsibilities:**

8. You or any member of your household may not run a business from your home without our written permission. Such permission will depend on the nature of the business and its impact on your neighbours. You may ask for permission from your housing office. You may also need planning permission. We have included details of how to apply for planning permission in the tenant handbook.
9. You must live in your property as your main or only home. If you do not do this, if you abandon the property or return the keys without giving proper notice as described in clause 5.1 of this agreement for example, we will take action to end the tenancy by serving you with a Notice to Quit. We will serve this notice by sending it to or leaving it at the property which is the subject of this agreement **if we do not know where you live**. This notice will give you at least four weeks written notice ending on a Monday. If you have left someone else in the property, we will start court proceedings to regain possession of the property when the notice ends.
10. You must inform us if you are, or expect to be, absent from your home for 28 days or more. **This is to ensure that if there are any issues with the property while you are away, we can contact you or a nominated representative.**
11. In houses and bungalows, you may use the loft space for storage at your own risk. We will hold you responsible for any damage this causes to the property and we will not be liable for any damage caused to your possessions. You will need our written permission if you wish to use the loft space as living area. **The loft space must not be used in flats for storage or living space.**

## **4. Being a good neighbour**

Brighton & Hove is a unique place in which to live, work, and visit. All residents, visitors, and businesses have the right to enjoy the city, live peacefully in their homes and neighbourhoods, feel safe, and enjoy the resources and culture that the city has to offer, free of concerns for their well-being. Brighton & Hove City Council, together with its partners, is committed to tackling nuisance and anti-social behaviour in the city.

### **Our responsibilities:**

1. We will not interfere with how you use your home as long as you keep to the terms of this agreement or unless there is any other reason under the Housing Acts of 1985 and 1996 or any other law where we may need to.
2. We will investigate any complaints of nuisance or harassment and **will** take appropriate action. **We may take legal action to evict you if you or they cause a nuisance or harass or threaten any person because of race, colour, gender, nationality, religion, age, mental illness, disability, sexuality or for any other reason**, or if you or they commit a crime or are convicted of an indictable offence at the property or in the **neighbourhood**. We may also take legal action to get an injunction against you or any person you allow to act anti-socially and to recover the costs of this action from you. We may make a referral for an Anti-Social Behaviour Order and, if problems are caused by a child under your control, you may be required to undertake parenting work or we may apply to the court for a Parenting Order. We are unlikely to offer you another tenancy if you have been evicted because of anti-social behaviour.

## Your responsibilities:

3. You are responsible for the behaviour of all members of your household, including your children and any lodgers, sub-tenants or visitors ('they'). This applies in your home and in the shared parts of your block, **estate and neighbourhood**.
4. You **or** they must not do or threaten to do anything which causes, or is likely to cause, a nuisance or annoy someone else. Examples of anti-social activities, which cause nuisance and annoyance include, but are not limited to:
  - loud music from televisions, radios, music systems and musical instruments
  - noisy parties
  - too much noise from DIY activities
  - shouting and swearing
  - banging and slamming doors
  - dogs barking and fouling
  - dumping rubbish
  - vandalism and graffiti
5. You **or** they must not harass or threaten any other person because of race, colour, gender, nationality, religion, age, mental illness, disability, sexuality or for any other reason. Examples of harassment include, but are not limited to:
  - violence, threats of violence or violent gestures
  - using abusive or insulting words or behaviour
  - writing threatening, abusive or insulting graffiti
  - damage or threats to damage property
  - intimidating anyone in any way
6. You **or** they must not use or threaten to use violence, abuse or use threatening behaviour to anyone in the area of your home or the area of our offices, including other residents, our employees, agents working on our behalf or other people visiting or carrying out lawful activities in the area of your home or our offices.
7. **You or they must not use your home or shared area for any criminal or illegal activity such as paedophilia or drug dealing.**
8. You must not do the following or allow another person to do the following in **or around** your home:
  - use without prescription, grow or produce any drugs or substances covered by the Misuse of Drugs Act 1971 (or any other relevant act or regulations)
  - supply or offer to supply any of these drugs to another person
  - possess any of these drugs with the intention of supplying them to another person
9. You must not use or threaten to use violence by using physical, mental, emotional or sexual abuse against any other person living with you, anyone you have invited into your home, or anyone living in **or in the locality** of our properties. If you do and that person or their children have to leave the property because of violence, or threats of violence or abuse against them, we may take steps to evict you from your home.

10. You or they must not interfere with emergency alarm equipment, such as community alarm equipment, fire safety equipment or security equipment in shared areas, such as door entry systems and closed circuit television equipment. **You must keep security and communal doors shut at all times.**
11. You or they must co-operate with us and your neighbours to keep any shared areas clean and tidy. All shared areas and emergency exits must be kept clear of items. You will need our written permission to store a mobility scooter in shared areas. If we need to clear any items belonging to you from shared areas, you may be required to pay our costs.
12. You or they must not block local housing roadways and other vehicle access, and must keep them and car parking spaces clear of unroadworthy vehicles and other obstructions.
13. You or they must not carry out non-routine car repairs, like paint spraying, or dump unroadworthy vehicles in shared areas.
14. You or they must not park a vehicle, caravan, boat or trailer on any paths, gardens, yard, car park, service road, grassland or other land belonging to us without our written consent. You or they must not store vehicles or vehicle parts in your garden.
15. You or they must not keep a dog, cat, bird or other animal in your home without our written permission - the tenant handbook gives details of when we will give permission. Your pet(s) must not annoy or frighten other people, nor must you allow your pet to foul shared areas. If nuisance occurs, we can withdraw our permission. It is a breach of your tenancy agreement if you are convicted of causing cruelty and suffering towards an animal.
16. You or they must not do anything to encourage pests, vermin or animals that may cause a nuisance or damage at your home or in the neighbourhood. Examples of this include but are not limited to feeding wild pigeons and seagulls and not disposing of rubbish properly.
17. You will need written permission to store potentially flammable or explosive substances in your home, for example, gas cannisters including oxygen cylinders. You must also not do or keep anything which might affect the insurance of the property.
18. If you have a garden, patio or balcony, you must keep it tidy. You must not dump rubbish in the garden, including household items or vehicle parts. You must not allow any garden plants, trees or shrubs to grow onto or over neighbouring land. If you fail to keep these areas tidy we may do the work and you will have to pay our costs. If you are experiencing difficulties maintaining your garden, extra help may be available. Please contact your housing office for further advice.
19. You or they must not smoke in any enclosed shared areas.

## 5. Ending your tenancy

### When you decide to end your tenancy:

1. You must give us at least four weeks written notice before you want to end your tenancy (or two weeks if transferring to another Brighton & Hove City Council property), which must end at 12 noon on a Monday.

You must return all your keys and any pendant alarms you may have been issued with to your housing office, or the scheme manager if you live in sheltered housing before this time. If you return your keys later than this, we will charge you the full charges for the property until the end of the week in which you return them.

If the Monday is a Bank Holiday, you must return your keys to your housing office before 12 noon on the Tuesday following the holiday. If you return the keys without giving the required written notice, we might not accept this as an end to the tenancy.

2. You must pay the rent and all charges for the whole period of the notice, even if you have moved out and returned the keys before the Monday on which the notice period ends. If you fail to clear any outstanding rent and charges before you move out, we will take action to recover the debt.
3. You must take all furniture, floor coverings, belongings and rubbish from your home (including but not limited to lofts, sheds and gardens) and leave the property and the fixtures and fittings in a reasonable condition and state of repair. You should seek advice from your housing office if you are unsure of what to remove from the property.
4. If you fail to clear the property and/or leave it in a state of disrepair, we will charge you for the cost of removing the items that you leave behind and for any work that is necessary. We will not be responsible for any items that you leave behind.
5. You must not leave anybody living in your home when you move out, such as a lodger. If you do so, we will take court action to remove them from the property and you and your lodger will have to pay the costs.

## **When we want to end your tenancy:**

### **6. Introductory tenants only**

If you have an introductory tenancy, we can only end your tenancy with a court order. We will only ask the court for a possession order against you if you break the conditions of this tenancy agreement or there is any other reason under the Housing Act 1985, the Housing Act 1996 or another law why we need possession of your home.

If you break your tenancy conditions, we may serve a 'Notice to Terminate' on you. This notice will say that the court will be asked to make an order for possession and give the reasons why the action is being taken. It will also give you the date after which possession proceedings will start. This will be at least four weeks after the notice is served.

If you do not use the property as your main or only home or move out without giving proper notice, we can end your tenancy by serving a 'Notice to Quit' giving four weeks notice.

We will serve a notice on you by either delivering it to you in person, sending it to you by post at the property, leaving it at the property, or giving it to another adult at the property.

### **7. Secure tenants only**

If you have a secure tenancy, we can only end your tenancy with a court order. We can only ask the court to grant a possession order if one or more of the grounds for possession set out in the Housing Act 1985 exists. If one or more of the grounds exist, we may serve a 'Notice of Seeking Possession' on you.

This notice will say that the court will be asked to make an order for possession and give the reasons why this action is being taken. It will also tell you the earliest date that possession proceedings can be started. This will normally be at least four weeks after the notice is served.

If you do not use the property as your main or only home or move out without giving proper notice, we can end your tenancy by serving a 'Notice to Quit' giving four weeks notice.

We will serve a notice on you by either delivering it to you in person, sending it to you by post at the property, leaving it at the property, or giving it to another adult at the property.

## Death of a tenant

### The right of succession

8. In the event of your death, the tenancy may pass on to your spouse or civil partner, a joint tenant or a member of your family if certain conditions are met. This is called 'succession' and the conditions are:
- any spouse or civil partner can succeed to the tenancy as long as they are living at the property as their only or main home at the time of your death
  - any other member of your family can succeed to the tenancy if they **were resident** with you for 12 months before your death and used it as their only or main home
  - if you have a joint tenancy, the tenancy will pass to your joint tenant and this will count as a succession

If you have already succeeded to this tenancy, there can be no further succession. **If there has already been a succession to the tenancy, please contact your housing office for further advice on rehousing options.**

A member of your family who is entitled to succeed, may be required to move to smaller accommodation provided by the council if the property is larger than they need.

Full details of the conditions for succession can be found in the tenant handbook.

9. In the event that there is no one qualified to succeed at the time of your death, the tenancy becomes part of your estate. If you have left a will, the tenancy can be brought to an end by a personal representative of your estate. The personal representative must give at least four weeks notice in writing ending on a Monday. Your estate is also responsible for other conditions of this agreement as set out in clauses 5.1 to 5.5 of this agreement.
10. In the event that there is no will, known as 'intestate', legal responsibility for your tenancy passes to the Public Trustee. We will end the tenancy by serving a **notice** on the Public Trustee. A copy of this notice will be given to any next of kin that you may have.
- Full details on ending a tenancy in these circumstances are included in the tenant handbook.

## Data Protection Act 1998

The information we hold about you, will be used for housing management purposes. We may also use it for other council purposes, where the law permits us. The council is registered under the Data Protection Act 1998 for these purposes.

This authority is under a duty to protect the public funds it administers. We may check information provided by you or a third party with other information we hold. This enables us to check the accuracy of information to prevent or detect crime, and to protect public funds in other ways as permitted by law. We may also share this information with other bodies administering public funds for these purposes. We will not disclose information about you to anyone, unless the law permits us to.

The council is the data controller for the purposes of the Data Protection Act 1998. If you want to know more about the information we have about you, or the way we use your information, please write to the council's Data Protection Officer, Hove Town Hall, Norton Road, Hove, BN3 4AH.

# Your Tenancy Details

- Tenant copy
- Brighton & Hove City Council copy

## This tenancy agreement is between:

Name(s) of tenant(s) \_\_\_\_\_  
and Brighton & Hove City Council

The address and postcode of the property rented in this agreement is:

## The weekly charges for the property at the start of your tenancy are:

- Rent £ \_\_\_\_\_
- Heating £ \_\_\_\_\_
- Support charge £ \_\_\_\_\_
- Ground maintenance £ \_\_\_\_\_
- Cleaning services £ \_\_\_\_\_
- Water rates £ \_\_\_\_\_
- Other charges (please specify)  
\_\_\_\_\_ £ \_\_\_\_\_  
\_\_\_\_\_ £ \_\_\_\_\_
- **Total** £ \_\_\_\_\_

## Housing debt from any previous tenancy:

You also have to pay £ \_\_\_\_\_ and have agreed to keep to the arrangement you have with us to repay the debt.

The names of the people who will live in the property are as follows:

Full name	Date of birth	Relationship to you
		Tenant

The maximum number of people allowed to live in your home is \_\_\_\_\_

## Photograph of tenants

Permission is given to keep the following pets:

Permission is subject to you keeping to the terms of this agreement.

**You have an introductory tenancy**

**You have a secure tenancy**

The tenancy begins on \_\_\_\_/\_\_\_\_/\_\_\_\_ under the conditions set out in this agreement.

The provisional date your introductory tenancy becomes secure is \_\_\_\_/\_\_\_\_/\_\_\_\_

**If you have read and understood this tenancy agreement, and agree to the conditions set out in it, please sign below.**

I/we have received the tenant handbook and guide to repairs

Tenant's signature: \_\_\_\_\_

Tenant's name: \_\_\_\_\_

Joint tenant's signature: \_\_\_\_\_

Joint tenant's name: \_\_\_\_\_

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

**Signed for Brighton & Hove City Council by:**

Name: \_\_\_\_\_

Job Title: \_\_\_\_\_

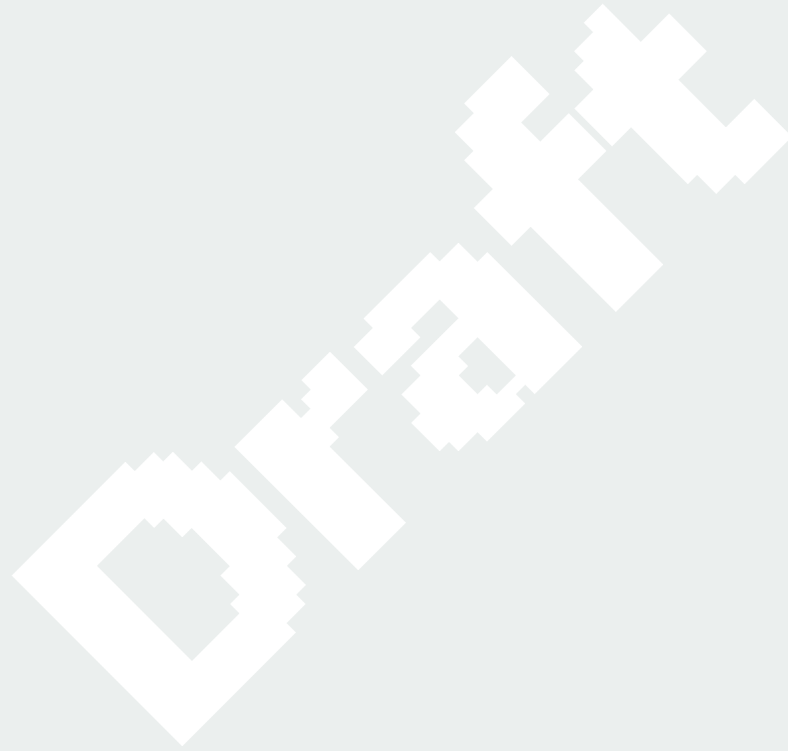
Signature: \_\_\_\_\_

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

**Under Section 48 of the Landlord and Tenant Act 1987, if you need to give us any notices, please send or deliver them to: Brighton & Hove City Council, King's House, Grand Avenue, Hove, BN3 2LS.**







**Translation? Tick this box and take to any council office.**

ترجمة؟ ضع علامة في المربع وخذها إلى مكتب البلدية. Arabic

অনুবাদ? বক্সে টিক চিহ্ন দিয়ে কাউন্সিল অফিসে নিয়ে যান। Bengali

需要翻譯? 請在這方格內加剔, 並送回任何市議會的辦事處。Cantonese

ترجمه؟ لطفاً این مربع را علامتگذاری نموده و آن را به هر یک از دفاتر شهرداری ارائه نمایید. Farsi

Traduction? Veuillez cocher la case et apporter au council. French

需要翻译? 请在这方格内划勾, 并送回任何市议会的办事处。Mandarin

Tłumaczenie? Zaznacz to okienko i zwróć do któregośkolwiek biura samorządu lokalnego (council office). Polish

Tradução? Coloque um visto na quadrícula e leve a uma qualquer repartição de poder local (council office). Portuguese

Tercümesi için kareyi işaretleyiniz ve bir semt belediye bürosuna veriniz Turkish

other (please state)

**This can also be made available in large print, Braille, or on CD or audio tape**

**An easy read document to accompany this agreement is also available**



**Brighton & Hove  
City Council**

# HOUSING CABINET MEMBER MEETING

## Agenda Item 76

Brighton & Hove City Council

<b>Subject:</b>	<b>Improving Access to Housing Adaptations</b>		
<b>Date of Meeting:</b>	<b>7 December 2009</b>		
<b>Report of:</b>	<b>Director of Adult Social Care and Housing</b>		
<b>Contact Officer:</b>	<b>Martin Reid</b>	<b>Tel</b>	<b>293321</b>
	Email	<a href="mailto:Martin.reid@brighton-hove.gov.uk">Martin.reid@brighton-hove.gov.uk</a>	
<b>Key Decision:</b>	No		
<b>Wards Affected:</b>	All		

### FOR GENERAL RELEASE

#### 1. SUMMARY AND POLICY CONTEXT:

- 1.1 Housing adaptations, the removal of the physical barriers that are created within older and disabled people's homes, are key to delivering independent living and enabling people to have choice and control. National research 'Better Outcomes, lower costs' (ODI/University of Bristol, 2007) sets out evidence that timely adaptations and appropriate equipment can produce direct savings to the public purse in terms of reducing residential care, hospital admissions and delayed discharges. The Audit Commission found that a one off investment of £20,000 in adaptations of an older person's home can make savings of £6,000 a year in home care costs.<sup>1</sup>
- 1.2 The Housing Adaptations Service delivered over 500 adaptations to Council and private sector homes during 2008/09 within Care Quality Commission (CQC) target times. The service has doubled expenditure on Disabled Facilities Grants (DFGs) over the past three years and has increased investment in adaptations overall through review of the Private Sector Renewal programme and successful bids for additional capital through the BEST partnership. Housing Adaptations Team waiting lists have been cut and better use of existing housing stock and routine consideration of alternative housing options have both become more consistently promoted. In addition, Adult Social Care is meeting performance targets for assessment and delivery of services.
- 1.3 However, there remains concern that while Adult Social Care (ASC) meet their current performance targets and the Housing Adaptations Team meet CQC targets for major adaptations, cases can take too long to get to the Housing Service. Current figures indicate that 43% of Housing Adaptations OT cases have been with the council for over 6 months before they get to the Housing OT team. Accessing services can be a disjointed and fragmented experience for the customer with services being split across different sites and service areas and the number of 'hand off's' within the process prior to delivery of the actual

<sup>1</sup> Audit Commission (2009) 'Building Better Lives – getting the best from strategic housing'

adaptations are too many. There is also a need to continue to ensure that our limited resources are being used effectively in the face of rising demand, increasing complexity of cases and potential reductions in capital funding, so that disabled people get the services they need.

1.4 This paper outlines proposals which aim to:

- Promote a more preventative approach through a single point of access in Housing Strategy to enable customers to maximise their independence and quality of life through a range of housing options that includes, but is not limited to, a request for and provision of adaptations. Early intervention, and a tenure based response, will help prevent cases going into Community Care Assessment where the need for adaptations to the physical environment is the only issue and could be dealt with by re-housing the household for example.
- Promote a preventative approach and early intervention through the development of trained Trusted Assessors within Housing.
- Promote a more proactive approach to procurement by working closely with housing management and Mears to bring more council homes up to Lifetime Homes and wheelchair accessible standard through the best use of mainstream capital budgets.
- Where cases do go through Community Care Assessment and the need for an adaptation is identified, to develop a 'whole systems approach' to delivery of that major adaptation as quickly as possible by fully integrating the assessment, recommendation and delivery of all major adaptations (those over £1,000) within the existing Housing Adaptations Team in Housing Strategy Division to ensure better, clearer and quicker delivery. Adult Social Care and the Integrated Community Equipment Service would continue to deliver minor adaptations in the private sector.

1.5 The proposal is framed by the need to:

- Reduce inequality
- Improve customer satisfaction
- Speed up the delivery of major adaptations and bring forward the consideration of alternative housing options
- Simplify the service provision
- Deliver value for money in the use of staff resources
- Deliver value for money in the use of housing resources and of capital budgets
- Improve customer information and involvement

## 2. **RECOMMENDATIONS:**

That the Cabinet Member for Housing approves:

- (1) That the Council moves towards a preventative approach to managing major adaptations demand proactively rather than as a response to a request for a Community Care Assessment.

- (2) That the council improves and simplifies the assessment and delivery of major adaptations (over £1,000) by focusing all assessment, recommendation and service delivery of major adaptations within the Housing Adaptations Service.
- (3) That capital and staff resources are realigned to this effect (as outlined in 3.11 below).

### **3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:**

#### **Drivers for Change**

##### **3.1 Customer/population**

Brighton and Hove is recognised for having higher levels of physical disability in its general population than the national average. Housing problems are compounded by much of the City being hilly preventing full wheelchair access. Many homes were built in the 19<sup>th</sup> Century and subsequently converted into flats, often with small rooms and narrow stairways making accessibility and adaptation difficult.

Projections show a rising demand for housing adaptations in the City. Key areas include:

- General growth in the number of households in the City.
- An ageing population, in particular, a projected growth of more vulnerable older households in the City.
- Applicants with disabilities, in particular children, are living longer and displaying more complex needs.
- More people requiring adaptations remaining at home rather than in residential care settings.

The 2005 Housing Needs Survey found that 19.8% of households in the City contain somebody with a long term illness or disability (around 22,362 households).

The largest group affected by a named support need were those with a walking difficulty but who did not use a wheelchair, representing 52.3% of those with a support need. 8.1% of all households reported that they contained a member who was a wheelchair user, suggesting 1,765 households in the City as a whole.

There is a projected 15% increase in the retired population and 60% in the over 80 year old population up to 2026. Over a quarter of all people with a disability are over 75 and over half have a walking difficulty with likely requirements for adaptations.

The Private Sector Housing Stock Condition Survey (2008) estimated that there is a need for around 916 Major Adaptations each year in the Private Sector. Currently around 124 Adaptations are completed each year.

There is a disproportionate impact on social housing occupiers. The Council rented sector has over double the average of households and people with a disability when compared with other main tenures in the City. 35% of those currently on the Housing

Adaptations Occupational Therapy Team (HAOT) waiting list are Council Tenants. A further 14% are Housing Association Tenants.

Social Housing tenants make up a total of 49% of the current HAOT waiting list. Social Housing stock in Brighton & Hove represents only around 15% of the city's housing.

### **3.2 Financial**

Local Authorities have a statutory duty under the Community Care Act to assess and meet people's needs which may include the need for an adaptation or move to suitable housing. Local Authorities have a statutory duty under the 1970 Chronically Sick & Disabled Persons Act and the 1996 Housing Grants Construction & Regeneration Act to meet the adaptations needs of disabled people. Rising costs and increasing demand and complexity of cases has put pressure on the adaptations service in Brighton & Hove along with other Local Authorities in the country.

Unit costs have risen for adaption in recent years, partly because of the rise in equipment costs, such as tracking hoists, and level access showers. Brighton & Hove also has an older housing stock, much of it is more difficult to adapt than newer homes.

Current budgets for major housing adaptations are £1.1m per year towards Disabled Facilities Grants for private tenants and homeowners and £750,000 for adaptations for Council Tenants. There is clearly pressure on the Council to ensure that the limited resources to deal with Housing Adaptations are focused on meeting need in the most efficient and effective way.

Housing capital budgets, in particular related to adaptations capital supported by private sector renewal funding, are likely to be under significant pressure over coming years in light of the prevailing economic situation.

### **3.3 Efficiency and Value For Money**

To ensure value for money and best use of resources we already seek to make best use of existing resources through:

- Promoting early discussion of both social and private sector housing options in Housing Strategy to encourage consideration of a move to more appropriate housing as an alternative to disruption and cost of major adaptations.
- Making the case for proactively funding adaptations to existing homes through use of mainstream Council procurement programmes and additional / alternative private sector renewal capital in addition to existing funding routes.
- On-going development of our accessible housing register, continuing to fund an Accessible Housing Officer to identify and make best use

of existing adapted and accessible Council and Housing Association housing stock in the City targeted at those who need it.

- Commissioning more wheelchair adapted housing from our RSL partners, of 232 affordable homes developed last year 16% were fully wheelchair adapted.
- Best use of new build adapted housing opportunities through proactive involvement in development and implementation of the City Council's Planning Advice Note – Lifetime Homes & Accessible Housing (PAN 03).
- Entering into new build nominations agreements with Registered Social Landlords (RSLs) to allow for early letting and finalisation of adapted homes to meet individual client needs.
- Revising the Private Sector Renewal Strategy to allow for renewal assistance to private landlords who procure, adapt and lease properties to the Council to help meet the need for adapted homes.
- Exploring options for private owners to be offered loans to assist moves to more suitable accommodation as an alternative to grant aiding adaptations to unsuitable properties.
- Seeking to maximise funding available for adaptations. In particular increased capital funding through the BEST private sector renewal programme that has allowed the Council to double Disabled Facilities Assistance threshold from £25,000 to £50,000 for eligible households.

In a situation of growing demand and growing unit costs, it is essential that we continue to manage resources as wisely as possible, ensuring what is provided represents good value, is needed and used.

While current performance targets are being met in Adult Social care & Housing, the Housing Adaptations service continues to be under pressure to reduce waiting times for assessments and completion, which means processing applications as soon as possible. This can stimulate a growth in demand, which in turn can put more pressure on budgets, and means that protracted waiting times still occur but in a different point in the process.

Better use of resources has impacts on wider health and social care budgets, as well as improving outcomes for individuals. The Audit Commission<sup>2</sup> in a wide-ranging study found that adaptations can be a necessary part of continuing care and community care and often provides a better solution than other forms of (more costly) care. The Audit Commission found that a one off investment of £20,000 in adaptations of an older person's home can make savings of £6,000 a year in home care costs.

While cases are delayed within the assessment process this takes up both home care resources and staffing resources both in Adult Social Care and Housing to manage the caseload. Improving waiting times for our customers, not only improves quality of life and promotes independence for

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<sup>2</sup> Audit Commission (2009) 'Building Better Lives – getting the best from strategic housing'

that service users, but also means that we can realise the benefits of the adaptation sooner.

### **3.4 Local and neighbourhood priorities**

One of the City Council's five corporate priorities is: Reducing Inequality by increasing opportunity. The Corporate Plan lists independent living as a key issue to be addressed under this priority, "Help more vulnerable adults and older people to live in their own homes".

Improving the disabled adaptation services will make a significant and positive contribution to addressing this priority.

Adaptations also deliver on a number of key strategic objectives including the overarching housing strategy objective: "Enabling healthy homes, healthy lives and a healthy City that reduces inequality and offers independence, choice and a high quality of life.

## **The current service**

### **3.5 Adult Social Care & Adaptations**

Everyone approaching ASC will receive advice, information and signposting and in 90% of cases their needs will be met at this stage. The Access Point are starting to be able to identify people who may require a major adaptation or advice on Homemove and Housing Options however there is no clear pathway from Access point to direct people to appropriate advice and support in respect of housing. If people's assessed needs can not be met at Access Point then they would be referred to Community Solutions; a new team that includes Occupational Therapists and Care Managers who would work with people for up to six weeks to maximise their independence. It is often at this stage where daily living equipment can't meet someone's needs and the provision of an adaptation such as a level access shower would provide the most cost effective way of meeting someone's needs. At this point a referral would be made to the Best Practice panel which is attended by staff from ASC and Housing with a recommendation for an adaptation. Occupational Therapists also work in the assessment teams in ASC and may be working with people with complex and deteriorating long term conditions and as part of their work may identify that an Adaptation may be needed- again a referral would be made to the Best Practice Panel.

When this assessment is carried out, and a major adaptation (over £1000) is required, a decision is made as to whether this is 'non-complex' adaptation, for example a straight forward stairlift. If a non-complex case the recommendation will usually be completed by an Adult Social Care OT, with the case then transferred to Housing Adaptations to monitor. If the case is complex, or if 2 or more major adaptations are required, the case is referred to Housing Adaptations.



Some cases are referred directly to Housing Adaptations from the Access Point, for example where a Health OT has completed an initial assessment, and it is clear that there are outstanding major adaptations needed. Cases may also be referred directly to Housing Adaptations from OTs in the Children and Young Peoples Trust and from the Learning Disabilities Team

### 3.6 **Adult Social Care adaptations budgets**

£414k from 08/09 is currently used to support major and minor adaptations made up of £150k from Department of Health, £195K revenue contribution to capital from physical disabilities budget and £68k carried forward from last year.

As described in 3.5 above, when a Community Care Assessment has identified the need for an adaptation, there are also Occupational Therapist and Occupations Therapy Assistant resources in ASC which undertake some assessment, recommendation and specification of more standard (rather than complex or multiple) major adaptations. This work is monitored by Housing Adaptations Team who where necessary also provide training, support and joint visits.

### 3.7 **Adult Social Care interface:**

In November 2009 there were 463 people waiting for an assessment by the Adult Social Care OT Assessment Team. On past experience, at least 30% of these will require major adaptations, and be referred to the Housing OT Team.

The table below shows the time it has taken from first contact with the Council to referral to the Housing Adaptations Team for those on the current HAOT waiting list, a fifth of whom have been waiting between 10 and 24 months. In some cases services such as ASC may work with people for some time before they are referred to Housing, for example, where some-one has a deteriorating condition and equipment or re-abling care is tried out first.

<b>Time from first contact with the Council to referral to Housing</b>	<b>Number on waiting list</b>
1 – 3 months	25
4 – 6 months	22
7 – 9 months	19
10 – 12 months	8
12 - 24 months	9

### **3.8 Housing Adaptations Team – Private Sector Housing**

Where a Community Care Act assessment identifies a need, adaptations to Council homes and major adaptations to private and housing association homes are assessed, specified and delivered via the integrated Housing Adaptations Team based within the Housing Strategy Division at Hove Town Hall.

When referred to the adaptations team the applicant is then placed on another waiting list for assessment before any works can be specified. When the applicant is finally seen by an Occupational Therapist, it can become obvious that it would not be reasonable or practical to adapt the home, or that works are not appropriate.

### **3.9 Housing Adaptations Team Budget**

- Council Housing Adaptation: £750K for 400 Adaptations.
- Disabled Facilities Grant and top up : £1.1m for 120 Adaptations.

### **3.10 Housing Adaptations Team Performance**

In November 2009 there were 83 cases waiting to be allocated a Housing OT. The majority (77%) are waiting for level access showers, and a third are council tenants.

The average length of time applicants spent waiting for major adaptations from assessment to work beginning was 26.9 weeks against a target of 27 weeks in 2008/9 (Care Quality Commission figures).

## **Recommendations for Change**

### **3.11 A Single Integrated Housing Adaptations Team with one budget.**

As outlined in 1.4 above, the key proposals in this paper include:

- Promote a more preventative approach through a single point of access in Housing Strategy facilitating early exploration of a range of housing options;
- Promote a more proactive approach to procurement of HRA capital works;
- Where cases do go through Community Care Assessment and the need for an adaptation is identified, to develop a 'whole systems approach' to delivery of that major adaptation as quickly as possible.

In order to deliver an identified need for a major adaptation as quickly and simply as possible it is proposed that ASC capital and staff resources

currently aligned to assessment, recommendation, and delivery of major adaptations are moved into the Housing Adaptations Team in order to:

- Continue the assessment and specification of the non-complex major adaptations within the Housing Adaptations Service;
- Achieve clarity of ownership and responsibility for assessment recommendation and delivery of all major adaptations within one service area;
- Make best use of existing staff and capital resources by avoiding any duplication of tasks and interface issues and maximising opportunities for shared expertise and more OT focus on prevention and procurement. This includes building capacity to work on the specification and commissioning of alternative housing options and more adapted homes.
- Simplify processes and achieve speedier, more cost effective and more straightforward delivery for customers.

Appropriate consultation will take place with affected employees.

It is currently anticipated that at least 5 relevant ASC staff will be consulted on changing their line management to the proposed expanded team in Housing Strategy.

It is proposed to enhance the existing vacant Team Manager Post in the Housing Occupational Therapy Team to oversee the fully integrated Housing Adaptation Team with responsibility for assessment, specification and delivery of all major adaptations (those over £1,000).

It is proposed to pool budgets in Housing, with the capital budgets currently held within Adult Social Care to 'top up' major adaptations ( where Housing Capital budgets are insufficient in terms of means testing) moving within the remit of the new fully integrated Housing Adaptations Team.

It is anticipated that £100k is transferred from the recurrent Adult Social Care adaptations capital budget to the Housing Adaptations Team in order to focus best use of all adaptations capital resources within one team.

Moving appropriate Occupational Therapist and Occupational Therapy Assistant resource currently assessing, recommending and specifying the more straightforward major adaptations within ASC into the fully integrated Housing Adaptations Team is in order to avoid current duplication in resources whereby ASC may assess and specify more standard rather than complex major adaptations but this work is then monitored by the Housing Adaptations Service with the Housing service also providing support, training and undertaking joint visits.

This would enable a move to a 'whole systems' approach to delivery of major adaptations described above to reduce customer handoffs and waiting times. It would also enable the Housing Adaptations Team to release more Senior Occupational Therapist time to work on assisting the development of proactive solutions such as

- Working with Planners on lifetime home solutions

- Working with development partners on the delivery of lifetime homes
- Developing more innovative means of meeting needs with RSL and other landlords/owners.

### 3.12 Reduce Waiting Lists and Simplify Processes

Where cases do go through Community Care Assessment and the need for an adaptation is identified, a review of the interface between Adult Social Care & Housing Adaptations needs to be undertaken to improve pathways of care. Responsibilities for delivery need to be clearer; all major adaptations need to be referred to Housing Adaptations Service as soon as they are identified. Currently nearly half of all service users have been waiting more than 6 months before they are referred and 10% of all users on the waiting list have been waiting between 1-2 years. This is clearly unacceptable.

There needs to be a move from a reactive management of the waiting list to a more proactive system. Under the current Fair Access to Care model we accept Critical and Substantial Cases. The critical cases will always be dealt with first. This system only works where there is no waiting list. We currently have long waiting times for those with substantial or moderate needs. These cases can often become critical or substantially worsen while the customer waits for an assessment. It is therefore important that we adopt a prevention approach with all customers, much as we did for the homelessness service. This can be achieved through best use of our housing stock and existing housing resources, and proactive investment of lifetime homes.

The number of 'handoffs' in the system need to be reduced. Currently in a third of all cases, a service user can be visited several times by Occupational Therapists in Adult Social Care, before it becomes apparent that a major adaptation is required. The applicant is then referred to the Housing Adaptation Team where they will join a waiting list to be visited again by a Housing Occupational Therapist, before adaptations can be prescribed. The current system has caused unnecessary bottlenecks in the system and dramatically increases waiting times for customers. The processes and procedures required to support this number of 'handoffs' are complete and time consuming. Due to workload capacity pressures in each time some cases are passed back and forth in an effort to determine where the required work should sit. It is recommended that all major adaptations are referred without delay by Adult Social Care to Housing.

A fifth of those on the waiting list for an assessment in the Housing Adaptations Service have been waiting for more than 10 months. Waiting times are important because:

- condition can deteriorate while waiting.
- hospital discharge can be delayed.

- Accidents in the home more likely to happen without adequate adaptations (such as grab rails).
- Excessive waiting times are symptoms of inefficiencies in the system and should be addressed as part of good management.
- Service delays impact on the PCT and council budgets elsewhere.
- Large numbers of complaints which can divert management time.

For major housing adaptations our customers need to be referred to housing without delay. The diagram below shows the proposed customer flow compared to the situation now.

**Fig 1. Current Customer Flow**



**Fig 2. Proposed Simplified Customer**



Occupational Therapy Assistants are currently based in Adult Social Care, a proportion of this resource could be better co-located with the Housing Adaptations Occupational Therapy Team, as described in 3.11 above, where they could do standard major adaptation assessments, specification and recommendations, leaving Housing Occupational Therapists to undertake more complex work. This would make a significant difference to the way these services are delivered to disabled people:

- Reduce the amount of customer contact time with the service – one assessment only where possible.
- Clear capacity plan is needed for dealing with the waiting list – set agreed efficiency targets.
- Facilitate the ‘fast-tracking’ of minor council adaptations in partnership with Housing Management through the ‘handyperson in a van’ service, which by-passes the need for an Occupational Therapy assessment. This ensures that the Service User is able to access resources quickly, efficiently and in line with best practice requirements.

### 3.13 Better Use of Limited Resources

The proposals outlined in this reports achieve better use of resources in the following ways:

- Prevention – an early Housing Options intervention based on tenure to avoid cases going into an expensive and lengthy Community Care

Assessment where the household solely requires an adaptation that can be dealt with by re-housing or other housing intervention.

- Proactive procurement – Housing Adaptations Team to liaise with Housing Management and Mears through the Decent Homes Partnering contract to bring more existing Council homes up to lifetime homes / wheelchair standard through mainstream capital budgets. This process reduces the costs in adapting properties for our disabled tenants in the future. This is critical to achieving efficiency savings as a third of those waiting for major adaptations are council tenants.
- Efficient procurement - Earlier referral of major adaptations by ASC, and a larger pooled budget would enable certain types of adaptations to be batched and procured more efficiently. For example for level access showers, for which 77% of the current waiting list requires, can be commissioned together enabling more cost effective delivery. It is recommended that these budgets be financially accountable and managed by the Head Housing Strategy and Private Sector Housing with expenditure to each clearly attributable (to meet financial regulatory requirements).
- Assessment & customer service – fewer ‘hand offs’ and more efficient use of staffing resources dedicated to major adaptations with them all in one team subject to the same management and avoidance of the current situation where there are overlaps, lack of customer clarity on process and one (Housing) team monitors standard adaptations cases assessed and specified by ASC OTs.
- Develop work already underway to commission landlords to lease adapted homes to the Council through the revised Private Housing Renewal Policy.
- Continue to develop efficiencies in adaptations procurement in both private and council sector as identified by Chairman’s Working Group on Adaptations.
- Continue to support work of the dedicated Housing Assessment Officer in Homemove in developing the accessible housing register. This process leads to more appropriate use of our housing stock by matching adapted properties to people who have an identified need (and avoids the need to remove an adaptation and install standard facilities before re-letting). It also speeds up void times, reduces refurbishment costs, and negates the need for many future adaptations.
- Enter into a dialogue with housing associations on who funds both major and minor adaptations for their tenants and how these can be delivered without delays.

### 3.14 **Better Customer Information and Involvement**

Proposals include

- Set up users group to consult with on any proposed changes to the service.
- Promote better access to the service.
- Inform customers of waiting times between assessment and completion of works.
- Ensure that the service is an inclusive one for all communities - ensure that equalities data is monitored.
- Develop options advice pack for customers.

- Ensure that monitoring arrangements in future reflect whole service provision – for example the total time taken to provide adaptations from service users first point of contact to adaptation being provided.
- Single point of access in Housing Strategy for information on all the options.
- Clear information on eligibility for Adaptations grants,
- Clear information on the tests that Adaptations apply for grant applicants,
- Clear priority system,
- Clear information on timescales,
- Easy access from ASC at all points of the service into Adaptations Team.
- Clarity about what people can expect,

#### **4. CONSULTATION**

- 4.1 Chairman's Tenant Working Group consultation has informed these proposals.
- 4.2 Appropriate consultation will take place with affected employees.

#### **5. FINANCIAL & OTHER IMPLICATIONS:**

##### Financial Implications:

- 5.1 The review of the Housing Adaptations service would need to bring together responsibility for major adaptations budgets (capital and revenue) under the Head of Housing Strategy and Private Sector Housing. No extra costs are anticipated from the review but better use of resources and value for money are anticipated with opportunities outlined in the report. It is anticipated that £100k is transferred from the recurrent adult social care adaptations capital budget.

As set out in section 3.3, studies by the Audit Commission indicate that there should be savings within the adult social care community care budget in providing timely adaptations.

*Finance Officer Consulted:* Neil Smith    *Date:* 24 November 09

##### Legal Implications:

- 5.2 Local Authorities have a legal responsibility to assist with the provision of adaptations through section 2 of the Chronically Sick & Disabled Persons Act 1970. This responsibility encompasses assessment of service users, recommendation for major adaptations and financial support for these adaptations. The primary source of funding for such adaptations is the mandatory Disabled Facilities Grants (DFGs) which are administered by the Private Sector Housing Team under the Housing Grants, Construction and Regeneration Act 1996. These grants are means tested and are mandatory for adaptations that are assessed as necessary, appropriate, reasonable and practical within the terms of the Act.

Equalities Implications:

- 5.3 As a result of the work outlined above we have sought to raise awareness and address the needs and issues faced by disabled applicants for housing and adaptations assistance from the Council. We have sought to improve the use of resources to better meet the needs of people with physical disabilities.

A full equalities impact assessment will be carried out prior to implementation

Sustainability Implications:

- 5.4 Housing is one of the key objectives in the Council's sustainability strategy which aims 'to ensure that everyone has access to decent affordable housing that meets their needs'.

The developments outlined in this report seek to make the best use of existing housing and budget resources. Further sustainability implications will be kept under review.

Crime & Disorder Implications:

- 5.5 There are no direct implications arising from this report.

Risk and Opportunity Management Implications:

- 5.6 Policy development in this area is undertaken with due regard to appropriate risk assessment requirements.

Corporate / Citywide Implications:

- 5.7 One of the City Council's five corporate priorities is: Reducing Inequality by increasing opportunity. The Corporate Plan lists independent living as a key issue to be addressed under this priority, "Help more vulnerable adults and older people to live in their own homes".

Assisting disabled people to remain independent in their own home by improving the disabled adaptation services will make a significant and positive contribution to addressing this priority

These proposals will also assist the City Council to achieve its corporate priority of 'Better Use of Public Money'.

**6. EVALUATION OF ANY ALTERNATIVE OPTION(S):**

- 6.1 The option to do nothing and keep things as they are has been considered. However this would not achieve reductions in waiting times or efficiencies in the system that are required.



## **7. REASONS FOR REPORT RECOMMENDATIONS**

- 7.1 To ensure that we deliver major housing adaptations to our disabled customers in a timely and cost effective way

### **SUPPORTING DOCUMENTATION**

**Appendices: None**



# HOUSING CABINET MEMBER MEETING

## Agenda Item 77

Brighton & Hove City Council

**Subject:** When a sole tenants requests a joint tenancy  
**Date of Meeting:** 6 January 2010  
**Report of:** Director of Adult Social Care and Housing  
**Contact Officer:** Name: Helen Clarkmead Tel: 293271  
E-mail: [Helen.clarkmead@brighton-hove.gov.uk](mailto:Helen.clarkmead@brighton-hove.gov.uk)  
**Key Decision:** No  
**Wards Affected:** All

### FOR GENERAL RELEASE.

#### 1. SUMMARY AND POLICY CONTEXT:

- 1.1 Council Allocations policy does not provide for the lawful creation of joint tenancies to existing sole tenants and a new partner.
- 1.2 Maintaining this position would help the council make best use of existing stock in order to meet housing need, without any significant disadvantage to tenants.

#### 2. RECOMMENDATIONS:

- 2.1 (1) That the Housing Cabinet Member confirms the current policy position and no provision is made for the creation of joint tenancies where one party is already a sole tenant of the council.

#### 3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 It is not possible for an existing sole council tenant to be granted a new joint tenancy with a new civil partner, spouse or partner.
- 3.2 Although not able to become a joint tenant, a new civil partner, spouse or partner may live in the property as long as they do not cause nuisance to other people.
- 3.3 If a civil partner or spouse was living with the sole tenant at the time of their death, and as long as the sole tenant is not themselves a successor, they have the right to succeed to the tenancy. This also applies to partners who are not formal civil partners or spouses if they have lived together for 12 months.

- 3.4 A resident partner counts towards occupancy numbers and their needs will be included in any housing need or adaptations assessment. If the sole tenant provides written consent, then they are able to discuss tenancy and rent account matters with council officers.
- 3.5 The alternative is to amend the Allocations Policy in order to allow the creation of a new joint tenancy for existing sole council tenants and a new civil partner, spouse or partner. A new tenancy would create a further succession chain and delay the property being available to meet general housing need for a generation.
- 3.6 **The Rights of Sole and Joint Tenant couples**

Status	Succession [only where there has not already been succession]	Right to Buy Jointly	To be considered as part of household for adaptation requirements	To be considered as part of household for space standard calculation and transfer	To be able to discuss tenancy related issues with the council
Civil partners Sole tenant	√	√	√	√	√ With written consent of sole tenant
Civil partners Joint Tenants	√	√	√	√	√
Married Sole Tenant	√	√	√	√	√ With written consent of sole tenant
Married Joint Tenants	√	√	√	√	√
Cohabiting joint tenants	√	√	√	√	√
Cohabitees of 12+ months sole tenant who have been resident with the tenant for the 12 months before the tenant's death	√ Can be asked to transfer if occupying adapted property or under occupying	√	√	√	√ With written consent of sole tenant
Cohabitants of fewer than 12 months sole tenant	X	X	X	X	√ With written consent of sole tenant

- 3.6.1 The formality of relationship is, for most purposes, more important than the holding of a joint or sole tenancy. Spouses and civil partners of sole tenants enjoy the rights set out in the table above.
- 3.6.2 Where a sole tenant dies, their spouse, civil partner of any period, or cohabitant of 12 months or more, who has been resident there with the tenant for the 12 months before the tenant died, may succeed to the tenancy as long as the deceased sole tenant was not themselves a successor. The only disadvantage cohabitants of sole tenants have is that they may be asked to move to a smaller property, or to one without adaptations if they do not need these. Spouses and civil partners of sole tenants would not be required to move.
- 3.6.3 Spouses, civil partners of any period and cohabitants who have lived with a sole tenant for a minimum of 12 months are able to be party to a joint right to buy with the sole tenant, so there is no benefit holding a joint tenancy. in respect of right to buy.
- 3.6.4 Spouses, civil partners of any period and cohabitants who have lived with a sole tenant for a minimum of 12 months are acknowledged as part of the household and are considered when calculating space standards, transfer priority or need for adaptation, they do not need to be joint tenants in order to be considered part of the household.
- 3.6.5 The principle variation is in the event of relationship breakdown. Married couples and civil partners, whether sole or joint tenants, who are unable to agree who is to remain in the property, may apply to court for the tenancy to be awarded to either party, not necessarily be the sole tenant. Cohabitants have no such recourse to court, and a sole tenant will almost always automatically retain the tenancy and their former partner have no rights.
- 3.6.6 Either party to a joint tenancy may end that tenancy at any time after giving notice. A sole tenant who becomes a joint tenant lessens their security in the event of relationship breakdown.
- 3.6.7 If the council were to adopt a policy of not granting new joint tenancies to existing sole tenants, then some cohabitants of sole tenants may be disadvantaged in that;
- They may be required to move to a smaller or non adapted property upon Succession
  - Someone cohabiting with a sole tenant will not have any right to the tenancy if the relationship breaks down – although their partner, the existing tenant, enjoys greater security than would be the case if they were joint tenants.

## 4. CONSULTATION

- 4.1 Council tenant representatives were invited to a consultation event. The general view was that the council should not create joint tenancies if this creates a further succession chain.
- 4.2 The Lesbian, Gay, Bisexual and Transgender Housing and Support Working Group discussed these recommendations. Some concerns were raised about the lack of rights for a cohabitant of a sole tenant and how this may encourage them to stay in an abusive relationship. It is hoped that the widespread publicity around Domestic Services will ensure people in this situation know where they can go for help, and to publicise relevant services at local offices and in publications. Multi agency training around LGBT specific Domestic Violence is planned for 2010/11. Concerns were raised about people who are not joint tenants with no succession rights when their partner dies – the council is supportive in these circumstances, and if the surviving partner is unable to remain in the property, advice and assistance is available to help find a new home, and a reasonable period allowed before action is taken to repossess the property. Members of this group agreed that a joint tenancy appears to give greater equality within the relationship, but also that joint tenants have less security in that either party may end the tenancy at any time. The group appreciated the shortage of homes within the city and that it was generally undesirable to offer further succession in creating a new tenancy. Members of this group noted that these proposals have the same impact for LGBT partners as for heterosexual couples. Civil partners and Married couples are treated equally, as are cohabiting couple of any gender and sexual orientation.
- 4.3 This report is presented to Housing Management Consultative Committee on 7 December 2009 where an indicative vote supported the recommendation.

## 5. FINANCIAL & OTHER IMPLICATIONS:

### Financial Implications:

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

*Finance Officer Consulted:* Susie Allen

*Date:* 20 May 2009

### Legal Implications:

- 5.2 “By section 167 Housing Act 1996 a local housing authority must have an allocation scheme. It cannot allocate accommodation except in accordance with that scheme. A local housing authority allocates accommodation when it selects a person to be a secure or introductory tenant for housing accommodation held

by it. By granting a new joint tenancy to an existing sole tenant and a new partner, it appears that the Council would be allocating accommodation otherwise than in accordance with its Allocation scheme. (The new partner having been selected to be a secure tenant.) The tenancy would not be an introductory tenancy, unless the existing sole tenant was an introductory tenant. “

*Lawyer Consulted: Liz Woodley*

*Date: 20 November May 2009*

Equalities Implications:

- 5.3.1 This proposal does not significantly benefit or disadvantage married couples or civil partners, who would be treated equally.
- 5.3.2 Cohabitants may in some circumstances may be disadvantaged in that they may be required to move to a smaller or non adapted property when the succeed to the tenancy. Cohabitants of sole tenants are unlikely to have rights to the tenancy when the relationship breaks down. However, sole tenants who cohabit enjoy greater security than would be the case if they joint tenants.

Sustainability Implications:

- 5.4 There are none

Crime & Disorder Implications:

- 5.5 There are none

Risk and Opportunity Management Implications:

- 5.6 If this policy is not confirmed and the creation of joint tenancies for existing sole tenants permitted, then a new succession chain would be created and the property would not become available for general letting for a further generation. This may prevent the council making best use of housing stock in order to meet housing need.

Corporate / Citywide Implications:

- 5.7 There are none

**6. EVALUATION OF ANY ALTERNATIVE OPTION(S):**

- 6.1 Consideration was given to amending the allocations policy to enable the creation of new joint tenancies for existing sole tenants. This was rejected as would create a further succession chain that would not be commensurate with making best use of the council's housing stock.

**7. REASONS FOR REPORT RECOMMENDATIONS**

- 7.1 To confirm clear policy that meets the council's objectives of fair law enforcement and making best use of the council's housing stock.

**SUPPORTING DOCUMENTATION**

**Appendices:**

None

**Documents In Members' Rooms**

None.

**Background Documents**

None



# HOUSING CABINET MEMBER MEETING

## Agenda Item 78

Brighton & Hove City Council

<b>Subject:</b>	<b>Proposed extension to Local Lettings Plan for people aged 50 plus</b>		
<b>Date of Meeting:</b>	<b>6 January 2010</b>		
<b>Report of:</b>	<b>Director of Adult Social Care and Housing</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Helen Clarkmead</b>	<b>Tel:</b> 293271
	<b>E-mail:</b>	<a href="mailto:Helen.clarkmead@brighton-hove.gov.uk">Helen.clarkmead@brighton-hove.gov.uk</a>	
<b>Key Decision:</b>	No		
<b>Wards Affected:</b>	All		

### FOR GENERAL RELEASE.

#### 1. SUMMARY AND POLICY CONTEXT:

- 1.1 In October 2009, The Cabinet Member for Housing agreed a Local Lettings Plan that restricts lettings of flats that do not meet mobility standards in certain blocks to people aged 50 years or older.
- 1.2 The Cabinet Member for Housing asked that consideration be given to extending this Local Lettings Plan to other suitable blocks.

#### 2. RECOMMENDATIONS:

- 2.1 That the Cabinet Member for Housing agrees for Clarke Court to be designated as an over 50s block. All new lettings, except those of flats meeting the council's mobility standard, would be to people aged 50 years or older.

#### 3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY VENTS:

- 3.1 The Local Lettings Plan was agreed by the Cabinet Member for Housing in July 2009. This was in order to meet resident aspirations, and to make best use of the council's housing stock by encouraging people to down size, releasing family homes.
- 3.2 During the consultation process, some residents of other blocks expressed an interest in their block becoming designated as an over 50s block.
- 3.3 Officers undertook a feasibility exercise that considered residents opinion,

Equality impact and the likely impact on lettings performance in respect of Malthouse Court, 385 Kingsway and Clarke Court.

#### 3.4 **Malthouse Court**

Although residents expressed an interest in this block becoming designated for people over 50, this is a three storey development without lift. Ground floor flats are of mobility standard, and would therefore be excluded from any age restricted lettings plan. Where similar property has been designated for people over 50, there have been problems letting second floor flats, resulting in poor turnaround performance and increased rent loss. It is likely, if this development were designated for people over 50 that lettings performance would suffer considerably. It is therefore not recommended for this development to be designated for people over 50 years of age.

#### 3.5 **385 Kingsway**

Although residents expressed an interest in this block becoming designated for people over 50, property in this block is often difficult to let at present. This is likely to become a greater problem if the pool of people eligible to bid for property in this block was restricted to people over 50. The council's Accessible Housing Coordinator does not feel this block is suitable for designation as an over 50s block. It is therefore not recommended for this to be designated as a block for people over 50 years of age.

#### 3.6 **Clarke Court**

Residents very strongly support the proposal to designate this as a block for people over 50 years of age. There is a lift to all floors and the flats are generally easy to let. The design of this block results in some noise transmission problems, and is not as such suitable for families. It is therefore recommended that Clarke Court is adopted as a block for people over 50 years of age. This would mean that in future all vacant flats that do not meet the council's mobility standard would be let to people over 50 years of age.

#### 3.7 **Norwich Crescent**

Although there are noise related issues in this area, this is a very young community, and the transition to a predominantly over 50s environment would be lengthy. This area is not generally popular with people over 50s seeking to downsize, who tend to prefer more centrally located property. There is a mix of 1 and 2 bedroom flats, three storeys with no lift. It is therefore likely that designating these flats for over 50s use would have significant detrimental impact in respect of lettings turnaround and rent loss performance. It is therefore not recommended for this development to be designated for people over 50 years of age.

#### **4. CONSULTATION**

- 4.1 This report was presented to presented to Housing Management Consultative Committee and welcomed by the majority of delegates by indicative vote. The issues have been discussed with tenants over a period of months.
- 4.2 Residents have been consulted. Residents of Clarke Court strongly support the proposal to designate the block for people over 50. The Westbourne ward Councillors also support this proposal. Residents of Malthouse court and 385 Kingsway have expressed an interest in their blocks being designated for over 50s.
- 4.3 The council's Accessible Housing Coordinator and Homemove Manager were Consulted, and their views taken into account.

#### **5. FINANCIAL & OTHER IMPLICATIONS:**

##### Financial Implications:

- 5.1 There are no direct financial implications from the recommendations in this report. The feasibility exercise showed that there was strong support for Clarke Court to be designated as an over 50's block, therefore should not affect rental income into the Housing Revenue Account.

The changes to the LLP will be made within the existing 2009/10 Housing Revenue Account Budget.

*Finance Officer Consulted:* Susie Allen, Principal Accountant *Date:* 3 November 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: 20/11/2009*

Equalities Implications:

- 5.3 This proposal will not significantly benefit or disadvantage any specific group, as Clarke Court represents only 0.15% of the council's general housing stock.

Sustainability Implications:

- 5.4 There are none

Crime & Disorder Implications:

- 5.5 There are none

Risk and Opportunity Management Implications:

- 5.6 There are none

Corporate / Citywide Implications:

- 5.7 There are none

**6. EVALUATION OF ANY ALTERNATIVE OPTION(S):**

- 6.1 It was considered if it was feasible to further extend this scheme to other blocks, this was rejected for the reasons detailed at 3.3 to 3.6 above.

**7. REASONS FOR REPORT RECOMMENDATIONS**

- 7.1 To formally add Clarke Court to the existing Local Lettings Plan for 50 plus blocks

**SUPPORTING DOCUMENTATION**

**Appendices:**

None

**Documents In Members' Rooms**

None.

**Background Documents**

1. Local Lettings Plans – Lettings restricted to persons over 50 years of age and bungalows - Housing Cabinet Member 11 November 2009

# HOUSING CABINET MEMBER MEETING

## Agenda Item 79

Brighton & Hove City Council

<b>Subject:</b>	<b>When a tenant dies – customer care, succession and people left in occupation</b>		
<b>Date of Meeting:</b>	<b>6 January 2010</b>		
<b>Report of:</b>	<b>Director of Adult Social Care and Housing</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Helen Clarkmead</b>	<b>Tel:</b> 293271
	<b>E-mail:</b>	<a href="mailto:Helen.clarkmead@brighton-hove.gov.uk">Helen.clarkmead@brighton-hove.gov.uk</a>	
<b>Key Decision:</b>	No		
<b>Wards Affected:</b>	All		

### FOR GENERAL RELEASE.

#### 1. SUMMARY AND POLICY CONTEXT:

- 1.1 The council grants introductory and secure tenancies. This policy confirms the council's succession policy when a secure or introductory tenant dies.
- 1.2 The council recognises that this is a sensitive area of tenancy management, and is committed to making consistent, fair decisions and implementing this policy sensitively.

#### 2. RECOMMENDATIONS:

- 2.1 That the Cabinet Member for Housing confirms the policy in respect of tenancy succession and action in respect of people left in occupation upon the death of a tenant who do not have succession rights.
- 2.2 That the Cabinet Member for Housing notes the customer care work undertaken around bereavement.

#### 3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

##### 3.1 Succession

- 3.1.1 There can be one succession to a secure tenancy.  
As long as the deceased tenant was not themselves a successor:  
Their joint tenant succeeds as a sole tenant  
Their spouse or civil partner succeeds to the tenancy  
Their cohabitee of 12 months or longer may succeed

If there is no spouse, civil partner or cohabitee, a family member to whom the property has been their main home and have resided there with the tenant for the 12 months preceding the death of the tenant may succeed.

3.1.2 The spouse, civil partner or cohabitee may continue to reside in the property even if it is substantially too large for their needs or has specialist adaptations.

3.1.3 If another family member succeeds, then the council can require that they move to a smaller property or one without adaptations if that would meet their needs. This will always be managed sensitively. Unless the successor moves on a voluntary basis that the Council would have to seek a possession order from the Court, and the court may grant possession only if it considers it reasonable to do so, and that suitable alternative accommodation is available.

3.1.4 If the deceased was a successor, then there can be no further succession

### 3.2 People left in occupation with no right to succeed

3.2.1 Where someone is left in the property after a tenant dies but has no right to succeed, then the council will consider their needs. As there is exceptional demand for affordable housing in the city, it is not possible house most people who are left in occupation with no right of succession. However, the council is committed to managing this sensitively and in a supportive way.

3.2.2 If it is likely the council would have a duty to provide accommodation for the person left in occupation, if they are exceptionally vulnerable or there are other exceptionally compelling circumstances, then they will, if the property is suitable, be offered a new tenancy. To ensure citywide consistency, this decision will be confirmed by the Business Improvement Manager for Tenancy Services.

If the property is not suitable, then they will be required to bid for a suitable alternative using Homemove. Officers will manage this sensitively and be supportive.

3.2.3 Where the person left in occupation is not deemed to be vulnerable, there are no exceptionally compelling circumstances and the Council is unlikely to have a duty to accommodate them, then they will be asked to leave. Their Housing Officer will provide advice and assistance with future housing options and negotiate a reasonable period of time for them to find alternative accommodation.

If the person has not secured accommodation within that period, the council will review the case and either offer an extended period with more intensive support, or start court proceedings to recover the property. To ensure citywide consistency, this decision will be made by the Business Improvement Manager for Tenancy Services.

### 3.3 Review of customer care around bereavement

3.3.1 Following repeated complaints about lack of consistency and sensitivity around bereavement, a group of managers representing different teams within housing Management reviewed process, procedure and guidance for staff

- 3.3.2 The review group evaluated complaints and worked with the council's bereavement service to formulate a more sensitive approach with greater understanding of customer needs at the time of bereavement.
- 3.3.3 Standard letters have been re written to demonstrate greater sensitivity, offer more support and officers issued with guidance about sensitive timing when issuing letters and generally when working with the bereaved. Officers will make every effort to speak to bereaved people before sending letters.
- 3.3.4 Bereavement customer care is now an established feature of induction programmes for front line staff and for ongoing training.
- 3.3.5 Allowing a reasonable interval of some months, officers will seek feedback form bereaved people. Managers will use this to further review and improve services in this area of work.

#### **4. CONSULTATION**

- 4.1 This report was presented to Housing Management Consultative Committee for consultation on December 7 2009, where an indicative vote supported recommendations.
- 4.2 There appears to be general concern that the council has not always acted consistently or with sensitivity in the past, and tenants are keen that this is addressed.
- 4.3 Tenants accept there is a shortage of affordable housing in the city and tend to agree that succession should be limited and that multi generational discretionary succession would not be sustainable or equitable.

#### **5. FINANCIAL & OTHER IMPLICATIONS:**

##### Financial Implications:

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

*Finance Officer Consulted:* Susie Allen *Date:* 20 May 2009

##### Legal Implications:

- 5.2 Sections 87 to 90 of the Housing Act 1985 provide a comprehensive code dealing with succession to secure tenancies. Similar provisions can be found in sections 131 to 133 of the Housing Act 1996 for introductory tenancies. By section 167 Housing Act 1996, the Council must have an allocation scheme. It cannot allocate accommodation except in accordance with that scheme. An authority allocates accommodation when it selects a person to be a secure or

introductory tenant. Officers need to ensure that any allocation of the sort referred to paragraph 3.2.2 is lawful.

*Lawyer Consulted: Liz Woodley    Date: 27/08/2009*

Equalities Implications:

- 5.3 This proposal will not significantly benefit or disadvantage any specific group

Sustainability Implications:

- 5.4 There are none

Crime & Disorder Implications:

- 5.5 There are none

Risk and Opportunity Management Implications:

- 5.6 There are none

Corporate / Citywide Implications:

- 5.7 There are none

**6. EVALUATION OF ANY ALTERNATIVE OPTION(S):**

- 6.1 Consideration was given to relaxing policy for people left in occupation of property too large for their needs , but in order to make best use of council housing stock the recommendation is that the council continues to require successors who are not the spouse, civil partner or joint tenant of the deceased tenant to move to smaller or non adapted property.

**7. REASONS FOR REPORT RECOMMENDATIONS**

- 7.1 To confirm clear policy that meets the council's objectives of fair law enforcement and making best use of the council's housing stock, and to implement this sensitively.

**SUPPORTING DOCUMENTATION**

**Appendices:**

None

**Documents In Members' Rooms**

None.

**Background Documents**

None



# HOUSING CABINET MEMBER MEETING

## Agenda Item 80

Brighton & Hove City Council

**Subject:** Supporting People Programme  
**Date of Meeting:** 6<sup>th</sup> January 2010  
**Report of:** Director of Adult Social Care & Housing  
**Contact Officer:** Name: **Diana Bernhardt** Tel: **01273 - 292363**  
E-mail: Diana.bernhardt@brighton-hove.gov.uk  
**Key Decision:** Yes Forward Plan No: HSG13863  
**Wards Affected:** All

### FOR GENERAL RELEASE

#### 1. SUMMARY AND POLICY CONTEXT:

- 1.1 The Brighton and Hove Supporting People Strategy, 2008-2011 agreed in March 2008 Housing Committee, set out the funding commitments for Supporting People grant from 1<sup>st</sup> April 2008 to 31<sup>st</sup> March 2011.

This report sets out:

- Future arrangements for the Supporting People Commissioning Body and decision-making structures for the Supporting People element of the Area Based Grant from 1<sup>st</sup> April 2011
- The methodology to review the existing Supporting People Strategy to inform the development of a new Supporting People Strategy from April 2011
- A summary of the Cost Benefit Analysis of Supporting People services that has identified potential savings generated for the authority through investment in Supporting People services
- A summary of the contribution Supporting People services make to National Indicators as part of the Local Area Agreement
- A summary of recent national reports showing the benefits of the Supporting People programme

- 1.2 The purpose of this report is to seek approval of future governance arrangements for the Supporting People programme and to note evidence presented on the positive outcomes and benefits of investing in Supporting People services.

#### 2. RECOMMENDATIONS:

- 2.1 That the Cabinet member for Housing approve the revised terms of reference for the Supporting People Commissioning Body set out in Appendix 1.
- 2.2 That Supporting People Commissioning Body be retained as the decision making body for decisions regarding the Supporting People element of the Area Based

Grant.

- 2.3 That the Cabinet Member for Housing approve the framework to develop the new Supporting People strategy set out in Appendix 2

### **3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS**

- 3.1 The Supporting People programme provides housing related support to over 5,000 people in the city. The support provided enables people to live as independently as possible through a range of services from hostels for homeless people, support for people with mental health needs, learning disabilities, alcohol and substance misuse problems, young people and older people needing support.
- 3.2 The funding for the SP programme has been subject to year on year reductions since the programme was transferred to the council in 2003 with no allowance for inflation. Over the last 3 years funding has reduced by 11.5% with the budget reducing to £11.2 million in 2010/11. It is expected that funding for the programme will continue to reduce in subsequent years at around 5% per annum.
- 3.3 The governance arrangements for the Supporting People programme were established in 2001. This set out the arrangements for a Supporting People Commissioning Body and delegated powers to the Housing Committee to make decisions regarding Supporting People grant and contracts. The aim of these arrangements was to ensure that grant conditions relating to the Supporting People programme were met and to establish robust and transparent governance and commissioning arrangements to ensure the best use of resources.
- 3.4 Since 2009, Supporting People Grant has been paid via the Area Based Grant and from April 2010 grant conditions relating to the programme will be lifted. This provides the flexibility to establish local arrangements.

### **4. PROPOSED LOCAL ARRANGEMENTS**

- 4.1 In considering what arrangements should be set up locally, there are the following recent national reports regarding the Supporting People programme:

The Audit Commission Review of Supporting People (Oct 2009) identified the following elements of best practice of the programme:

- That the Supporting People programme had led to improved quality of services through the use of the Quality Assessment framework
- That the programme had achieved improved value for money through benchmarking initiatives and a robust outcomes monitoring framework
- That there has been improved commissioning and contracting of services
- That commissioning strategies were based on local needs and priorities

- That there had been increased personalisation of services through the establishment of increased flexibility and floating support to people in their own homes, regardless of tenure

4.2 In addition, the CLG Select Committee (Nov 2009) recommended the following for arrangements post 2011;

- That the Quality Assessment Framework and the Outcomes Framework be mandatory unless authorities can demonstrate robust alternatives. This framework will provide a clear focus for assessors' view of the effectiveness of SP services in an area in relation to the Common Assessment Framework
- That local authorities should pass on the certainty of 3 year financial settlements of Third Sector providers, in line with the Supporting People strategy
- That local authorities should retain Supporting People governance and delivery structures
- That Supporting People decision making and delivery structures should be considered as a blueprint for partnership working within Local Area Agreements
- That there should be continued transparency in the allocation of Supporting People funding in the Area Based Grant.

4.3 Communities and Local Government (CLG) commissioned a report into the Financial Benefits of the Supporting People Programme in 2007. This research found that for every £1.61 spent on Supporting People services there was a £3.41 benefit for the investment. The methodology developed is based on the projected costs of alternative, appropriate support within the next year if Supporting People services were not available. The projected cost takes into account costs for housing departments, Department of Work and Pensions, Health, and other social costs such as crime and homelessness. The cost benefit is calculated separately for each client group and reflects the varying needs and costs of alternatives if Supporting People services were no longer available.

4.4 This methodology has recently been applied to the local Supporting People programme. This has identified a benefit of £3.24 for every £1.00 spent on Supporting People services locally

## **5. CONTRIBUTION TO LOCAL AREA AGREEMENT NATIONAL INDICATORS**

5.1 The Supporting People programme also contributes to a number of national indicators in Brighton and Hove's Local Area Agreement (LAA) indicators There are two indicators that directly link to performance information collected; NI 141: 'Number of vulnerable people achieving independent living' and NI 142 'Number of vulnerable people supported to maintain independent living' . N141 indicates the

percentage of people successfully moving on from short term services is within the top 35 LAA indicators and has continued to improve performance above the current target of 66%.

- 5.2 In addition, there are a further 29 indicators in the LAA and part of the NHS 'Vital Signs' indicators, that Supporting People services contribute towards. For example, indicators that relate to Safer Communities (such as drug users in effective treatment), Adult Health and Wellbeing (such as people over 65 who say they receive the information, assistance and support to exercise choice and control to live independently) and Tackling Exclusion and Promoting Equality (such as Adults in settled accommodation (people with learning disabilities, people with an enduring mental illness, 16 and 17 year olds).

## **6. DEVELOPING THE NEW STRATEGY**

- 6.1 The work to develop the new Supporting People strategy will commence in January 2010 to provide a new 3 year strategy by December 2010. Priorities for the programme will be based on local strategic priorities and evidence such as local need, cost benefit analysis, current performance, quality, value for money and outcomes for people using services.
- 6.2 This strategy will set out how the Supporting People element of the Area Based Grant will be spent during 2011-2014.
- 6.3 The new strategy will be developed in consultation with local strategic working groups for each of the main client groups and the Strategic Housing Partnership.
- 6.4 The draft strategy will be recommended to the Supporting People Commissioning Body prior to approval by the Cabinet Member for Housing. The proposed framework to develop the strategy is set out in Appendix 2.
- 6.5 To strengthen the links to the Cabinet Member meeting it is the proposed that the Commissioning Body will be chaired by the Cabinet Member for Housing. The amended Terms of Reference for the Commissioning Body are attached as Appendix 1.

## **7. CONSULTATION**

- 7.1 The draft framework to develop the new Supporting People strategy has been developed in consultation with strategic partners, providers and service user representatives. The new strategy will be developed in consultation with service users, providers and key strategic partners within the authority, Health, Probation and the local Children's Trust.

## **8. FINANCIAL & OTHER IMPLICATIONS:**

- 8.1 Financial Implications:

The allocation of the Area Based Grant for Supporting People Funding is agreed as part of the council budget setting process. Once agreed, the decision on how to spend this allocation is with the Supporting People Commissioning Body.

The allocation for 2009/10 is £11.841m and the provisional allocation for 2010/11 based on the CLG area based grant allocation (Revised November 2009) document is £11.249m

*Finance Officer consulted: Neil J Smith*

*Date: 1<sup>st</sup> December 2009*

#### 8.2 Legal Implications:

Although there is no legal requirement for the council to have a Supporting People strategy, a fair and transparent allocation of the Supporting People element of the Area Based Grant is considered good practice; this system will also allow specific targeting according to specific need, making the process proportionate and reasonable and reducing likelihood of challenge. With the larger allocations consideration should be given to checking with the procurement teams as to best practice. It is not considered that any individuals human rights will be adversely affected by the strategy's goals and actions

*Lawyer Consulted:*

*Simon Court Date: 27<sup>th</sup> November 2009*

#### 8.3 Equalities Implications:

An equality impact assessment will be carried as part of the development of the strategy, with the strategy containing a summary of the assessment. Additional Equality Impact Assessments will be required as the strategy action plans are implemented.

#### 8.4 Sustainability Implications:

The aims of the Supporting People programme link to a number of the objectives in the local Sustainability strategy; Housing, Community Safety, Economy and Work through providing support pathways that help people into employment, reduce drug and alcohol abuse, rehabilitate offenders, prevent homelessness and help people to feel safe and secure in their own home.

#### 8.5 Crime & Disorder Implications:

Ensuring appropriate housing and support is essential in helping to reduce antisocial behaviour and other crime and also to support the victims of crime.

#### 8.6 Risk and Opportunity Management Implications:

The current economic climate brings with it the risks of increased levels of need for support and homelessness. A robust Supporting People strategy is essential to help mitigate these risks and to ensure the best use of resources locally.

#### 8.7 Corporate / Citywide Implications:

The aims of the Supporting People programme are to enable people to live as independently as possible and so participate as equal citizens in the city of Brighton & Hove.

**9. EVALUATION OF ANY ALTERNATIVE OPTION(S):**

- 9.1 The alternative option of not developing a Supporting People strategy has been explored. This is not being proposed as it is considered that there is a significant risk that the benefits of the programme outlined above would not continue. If no Supporting People strategy was developed there would not be a fair and transparent process for the allocation of Supporting People grant in the future which is needed to meet Comprehensive Area Assessment requirements.

**10. REASONS FOR REPORT RECOMMENDATIONS:**

- 10.1 This report is presented to recommend the arrangements to develop a new Supporting People strategy and to review the existing decision making arrangements.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

Appendix 1 – Terms of reference for the Supporting People Commissioning Body

Appendix 2 .- Supporting People Strategy review framework

### **Documents In Members' Rooms**

None

### **Background Documents**

1. Brighton & Hove Supporting People Strategy, 2008-2011

## Appendix 1

### Brighton and Hove City Council Supporting People (SP) Commissioning Body Terms of Reference

Except to the extent as may be provided by section 93 of the Local Government Act 2000 and any directions made there under, the Commissioning Body is not intended to be a separate legal entity from the Brighton & Hove City Council.

#### 1. KEY RESPONSIBILITIES

To consider and agree the SP Strategy, annual implementation plan and to ensure the objectives of the strategy are achieved.

To direct the administering authority on the use and application of Supporting People grant, ensuring expenditure profile is prudent and taking into account existing and proposed commitment to fund services.

#### 2. MEMBERSHIP

**CHAIR.** – Councillor Maria Caulfield Cabinet member for Housing Brighton & Hove City Council

Address – Members Services, Brighton & Hove City Council, King's House,  
Grand Avenue, Hove BN3 2SR.

- Joy Hollister – Director of Adult Social care and Housing Brighton & Hove City Council representing the administering authority  
Address – the Chief Executive, Brighton & Hove City Council, King's House,  
Grand Avenue, Hove BN3 2SR.
- Darren Grayson – Chief Executive, Brighton & Hove City Primary Care Trust representing all the strategic health authorities and primary care trusts any part of whose area lies within the City.  
Address – Brighton & Hove PCT, Prestamex House, 1st floor, 171-173  
Preston Road, Brighton BN1 6QZ.
- Leighe Rogers – Assistant Chief Probation Officer, representing the local probation board for the City.  
Address – Sussex Probation Area Head Office, 185 Dyke Road, Hove,  
BN3.



- **Non voting member** Jugal Sharma – Assistant Director Housing Strategy Brighton & Hove City Council Accountable Officer for Supporting People  
Address – Room 42, 4<sup>th</sup> floor, Bartholomew House, Bartholomew Square, Brighton BN1 1JP.

The Chair of the Commissioning Body shall be the Cabinet member for Housing of the Brighton & Hove City Council, who may in their absence authorise a proxy to chair any meeting.

The party by whom each representative has been appointed may at any time appoint a different representative and shall do so if the representative ceases to be employed by that party for any reason whatsoever.

If a representative is unable to attend a meeting of the Commissioning Body, the representative shall duly nominate a proxy to attend in his/her place. The proxy shall be an employee of the party which appointed the representative and shall not be already a representative on the Commissioning Body.

### **3. FUNCTIONS**

The Commissioning Body shall consider the following draft documents prior to approval by the Cabinet Member for Housing meeting

- Supporting People strategy and annual plan and to consider any significant changes to the approved Supporting People strategy and annual plan as may be appropriate from time to time
- Review the approved Supporting People strategy

The Commissioning Body may also

- identify opportunities for joint commissioning of services and securing funding and approval
- identify opportunities for collaborative working with other Administering Authorities
- identify opportunities for collaborative working with key partners in Health and Probation
- recommend priorities for capital spend on supported housing.
- receive and consider records of findings and recommendations in respect of the review of services
- oversee the work of the Brighton & Hove City Council's Core Strategy Group
- advise on the formation and termination of individual Supporting People contracts, subject to the powers to Brighton & Hove City Council as the administering authority to process such contracts without reference to the Commissioning Body in such circumstances as the Council considers appropriate.

### **4. VOTING RIGHTS**

- Consistent with the provisions of clause 2 herein, each member with the right to vote shall have one vote.
- The vote of each representative carries equal weight
- Decisions of the Commissioning Body shall be made on a unanimous vote
- Where any decision raises a financial and compliance matter, the Commissioning Body may not make a decision which is incompatible with advice on that matter from the administering authority

## **Appendix 2**

### **Supporting People Strategy Review framework 20011-2014**

#### **1. Supporting People Strategy Review framework 20011-2014**

This document outlines the draft framework proposed to review the current Supporting People Strategy and undertake a full Equalities Impact Assessment of the strategy.

An annual update of the 3-year Supporting People Strategy, 2008-2011, presented to Housing Cabinet in June 2009 detailed progress made against all nine key objectives of the strategy during the first year of the strategy. (Appendix 1 lists all objectives of the strategy).

##### **1.2** The framework for the new Supporting People Strategy review will focus on identifying needs and priorities for specific client and the key objectives of the review will be to:

- Summarise progress made to date in delivering objectives and strategic actions of the Strategy for all client groups
- Highlight what is new in services funded by Supporting People - good practice, what works well, what needs to change for all client groups
- Consult with all our stakeholders to capture what kind of Supporting People services are needed locally to meet changing service user needs for all client groups
- Produce draft commissioning priorities for consultation for all client groups
- Produce a new Commissioning Strategy setting out 3 year funding commitments from April 2011
- Evidence the positive benefits and outcomes of preventative Supporting People services – both financial and qualitative benefits of services

##### **1.3** The strategy review will begin in January 2010 and section 4 of this document outlines proposed timescales and process to review the strategy and produce a new Supporting People strategy from April 2011.

#### **2. Framework for Supporting People Strategy Review & Equalities Impact Assessment**

##### **2.1 Supporting People Strategy: Draft Review Framework**

The framework proposed to review the Supporting People Strategy will consider strategic and service developments across different vulnerable client groups via existing strategic working groups. A number of existing client group focussed strategic working and steering groups will be used for consultation to collate feedback to inform draft priorities for each

client group. Members of these groups include representatives from the Commissioning Team, provider and service user representatives, local commissioners and other stakeholders.

The role of the working groups will be to:

- Review existing relevant objectives for each specific client group in the current Supporting People strategy, highlight what has changed for the client group (i.e. new / remodelled services to better meet needs; better access to services) as a result of delivering the strategy / strategic action against objectives to date
- Review and consider key priorities for relevant commissioners and strategic direction within other local strategies for each client group (i.e. Probation; Mental Health; Substance Misuse; Older People)
- Review outcomes of Equalities Impact Assessment and implications (exclusions, risks) for objectives and strategic actions in Supporting People Strategy for each client group
- Identify any gaps in service provision and current unmet needs for each client group
- Collate feedback and draft proposals for service developments specific to each client group to inform draft commissioning priorities for consultation
- Review Action Plans from relevant Equalities Impact Assessments completed that impact on Supporting People client groups

The Commissioning Team will review all feedback and draft proposals produced by the working groups to inform draft commissioning priorities for each client group. Evaluation criteria for all proposals and priorities for each client group produced by the working groups will be applied and will include assessment of and contribution to:

- Wider, local strategic priorities (i.e. Local Area Agreement National Indicators; Local Strategic Partnership priorities) and relevance to other strategies / agendas (i.e. Personalisation; 'Putting People First')
- Delivering specific outcomes in line with Supporting People Outcomes Framework
- Achieving high performance and quality levels in line with existing Supporting People performance and quality frameworks
- Achieving good Value For Money
- Delivering Equalities Impact Assessment Action Plan

Draft priorities for consultation for each client group will be produced as an outcome of applying the above criteria. Consultation on draft priorities will follow with all stakeholders and feedback will inform developing key commissioning priorities for the new Supporting People Strategy.

## 2.2 Supporting People Strategy: Equalities Impact Assessment Process

The current Supporting People Strategy was developed by adopting a co-ordinated approach to make sure it directly linked to strategic objectives and priorities in other relevant strategies across Housing Strategy. The key related housing strategies included the Homelessness Strategy, Single Homelessness Strategy, Youth Homelessness Strategy, the Older Peoples Housing Strategy and the wider city-wide Housing Strategy.

It is proposed a project team is set up to undertake the Equalities Impact Assessment of the Supporting People Strategy that includes representation from strategy leads across all these strategies, in addition to strategy leads from recently developed new strategies in Adult Social Care in order to capture developments to take forward the Personalisation Agenda and implications of this for Supporting People funded services.

The key aims of the EIA process and role of the project group will be to:

- Review all nine objectives of the Supporting People Strategy to identify exclusions / service gaps to inform draft action plan
- Develop action plan for consultation via strategic working groups
- Incorporate feedback to finalise action plan

The finalised action plan will be considered in drafting commissioning priorities and recommendations for each client group.

## 3. Draft Timescales

<b>October – November 2009</b>	Consultation on draft framework for Supporting People Strategy Review with: <ul style="list-style-type: none"> <li>• Commissioning Body</li> <li>• Core Strategy Group</li> <li>• Provider Forum / Provider Steering Group</li> </ul>
<b>December 2009</b>	Framework / Methodology finalised and agreed for Supporting People Strategy Review
<b>January – March 2010</b>	Client Strategic Working Groups to develop draft proposals for each client group
<b>April – June 2010*</b> <i>(*12-week consultation period)</i>	Consultation with providers (via Provider Steering Group & Provider Forum), service users and other stakeholders on draft proposals produced by Client Strategic Working Groups to inform drafting priorities for each client group
<b>July 2010</b>	Draft commissioning priorities for each client group by applying evaluation criteria

<b>September 2010*</b> <i>(*4-week consultation period)</i>	Consult on draft commissioning priorities with: <ul style="list-style-type: none"> <li>• Supporting People Providers via Provider Steering Group &amp; Provider Forum</li> <li>• Strategic Housing Partnership / Local Strategic Partnership / Public Services Board</li> </ul>
<b>October 2010</b>	Draft new Supporting People Commissioning Strategy
<b>November 2010</b>	Consult Housing Cabinet on new draft Supporting People Commissioning Strategy with: <ul style="list-style-type: none"> <li>• Supporting People Providers via Provider Steering Group &amp; Provider Forum</li> <li>• Housing Cabinet</li> <li>• Strategic Housing Partnership</li> <li>• Local Strategic Partnership</li> </ul>
<b>December 2010</b>	Finalise new 3-year Supporting People Commissioning Strategy from April 2011