

BRIGHTON & HOVE CITY COUNCIL
HOUSING MANAGEMENT CONSULTATIVE SUB-COMMITTEE

3.00pm 12 FEBRUARY 2013

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillor Jarrett (Chair); Councillors Farrow (Opposition Spokesperson) Peltzer Dunn (Opposition Spokesperson), Farrow (Opposition Spokesperson), Kennedy, Mears, Pidgeon and Robins.

Tenant Representatives David Murtagh (Brighton East Area Housing Management Panel), Jean Davis (Central Area Housing Management Panel), David Avery (West Area Housing Management Panel), Roy Crowhurst (West Hove & Portslade Area Housing Management Panel), Keith Cohen (Hi Rise Action Group), Tony Worsfold (Leaseholder Action Group), Barry Kent (Tenant Disability Network), Charles Penrose (Sheltered Housing Action Group) and Robert Spacie (North & East Area Housing Management Panel)

Apologies: Councillor Wakefield, Rita King and Trish Barnard.

PART ONE

39. PROCEDURAL BUSINESS

39A.1 Appointment of Chair for the Meeting

39.1 Councillor Wakefield (Chair) sent her apologies due to illness. As there is no Deputy Chair for the Sub-Committee, nominations for Chair were requested.

39.2 **RESOLVED** – That Councillor Jarrett be elected to preside over the meeting.

39A.2 Declarations of Substitute Members

39.3 Councillor Mears declared that she was attending as a substitute for Councillor Wells. Councillor Kennedy declared that she was attending as a substitute for Councillor Duncan, and that she would be replacing Councillor Duncan as a permanent member of the Sub-Committee. Dave Avery declared that he was attending as a substitute for Tina Urquhart.

39B Declarations of Interests

39.4 There were none.

39C Exclusion of the Press and Public

39.5 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.

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

40. MINUTES

40.1 Keith Cohen asked for the following corrections to be made to the minutes following discussions with Valerie Paynter who had substituted for him at the last meeting:

40.2 Paragraph 28 A – Declarations of Substitute Members should record that Valerie Paynter was substituting for Keith Cohen. Paragraph 36.12 should read “tenants would think that their tenants’ reps had previously agreed to it (despite lack of opportunity to appropriately do so). “

40.3 Mr Cohen stated that an entire conversation was omitted in which Valerie Paynter requested that the Resident Involvement Strategy consultation going to Area Panels was also going to HRAG. It was argued that this is because there are no representatives voted onto Area Panels from HRAG and no Area Panel members are voted onto HRAG. Ms Paynter had stated that it had been agreed by the Chair that this should be done.

40.4 Mr Cohen stated that the voting at paragraph 36.18 was incorrectly recorded. Ms Paynter considered that it should read that “the HRAG rep voted against (i) but there was a unanimous vote for (ii).

40.5 Members agreed that Valerie Paynter was the only person to vote against resolution (i) at paragraph 36.19. It was therefore agreed to change the wording of paragraph 36.18 to read “An indicative vote was taken from tenant reps, and the majority agreed with both recommendations.” Meanwhile, the Chair reminded members that the minutes were not a verbatim record of the meeting.

40.6 Councillor Mears referred to paragraph 38.3 (Housing Revenue Account Budget 2013/14). She stated that £286,000 had been put forward to part fund the new regeneration team headed by Nick Hibberd. Councillor Mears stressed that there was now a committee system. She was concerned that no report had been submitted to explain that money was being taken out of the revenue budget.

40.7 Councillor Mears stated that although Members received an email from the Strategic Director Place setting out what had happened this had opened up more questions. Members had been informed that 30% of the cost had come from the HRA and 70% from the general fund. Councillor Mears was unhappy with the response and felt that there was no clarity around this spend. She was concerned that tenants’ money was being used for staffing. Councillor Mears noted that part three of the Strategic Director’s letter referred to money being allocated from HRA for housing regeneration. Councillor Mears considered that there needed to be a detailed report submitted to the Sub-

Committee setting out how decisions had been taken and clarifying the situation before and after budget council.

- 40.8 **RESOLVED** That the Minutes of the Housing Management Consultative Sub Committee held on 18 December 2012 be agreed and signed as a correct record subject to the amendment mentioned in paragraph 40.5 and subject to Paragraph 28 A – Declarations of Substitute Members recording that Valerie Paynter had substituted for Keith Cohen.

41. CHAIR'S COMMUNICATIONS

Dams at Bevendean

- 40.1 Councillor Farrow informed the Chair that he had submitted a letter for inclusion on the agenda asking officers to give an update on the condition of the dams at Bevendean and the amount of water behind them. Councillor Farrow had been told that the letter could not be placed on the agenda. Councillor Farrow expressed concern that a matter of interest to the residents was not included on the agenda. He had taken it up with senior officers including the Chief Executive.
- 40.2 The Chair stated that he understood that Councillor Farrow would receive a written response. There had been some discussion as to whether the letter should be submitted to the Sub-Committee as the dams were not the responsibility of housing.
- 40.3 The Senior Lawyer stated that in order for a letter to be included on an agenda, it should be relevant to the terms of reference of the Committee or Sub-Committee. The HMCSC had narrow terms of reference and the view taken by officers was that the letter was not relevant to the terms of reference.
- 40.4 Councillor Farrow stated that he did not believe that the constitutional point should preclude him from taking up a matter that was of concern to tenants. He asked for a response to be sent to all members of the Sub-Committee.
- 40.5 The Chair replied that the matter was being taken seriously but there was an issue as to which meeting should consider the issue. He was not prepared to say that he had been given the wrong advice by the Senior Lawyer.
- 40.6 Councillor Peltzer Dunn accepted that the Senior Lawyer's advice had been absolutely correct; however, the effect of what might happen to the dams was a matter of concern for the community.
- 40.7 Councillor Mears endorsed the view of the Senior Lawyer but considered that a report should be brought to the Sub-Committee as landlord and freeholder of properties in order to reassure tenants that everything was being done to avoid flooding.
- 40.8 Councillor Farrow requested officers to take action as a matter of urgency and report back to Moulsecoomb and Bevendean councillors so they could report back to tenants.
- 40.9 The Chair stated that Councillor Farrow would receive a written response.
- 40.10 The Chair had no other communications to report.

42. CALL-OVER

42.1 It was agreed that all items be reserved for debate and determination.

43. PUBLIC INVOLVEMENT

43.1 There were no petitions, written questions or depositions received from members of the public.

44. ISSUES RAISED BY MEMBERS

(a) Petitions

44.1 The Committee noted that there were no petitions raised by members.

(b) Written Questions

44.2 The Committee noted that there were no written questions raised by members.

(c) Letters

44.3 The Committee considered a letter from Charles Penrose on behalf of the Sheltered Action Housing Group which requested an increase in the sheltered budget. This would enable on-site scheme managers to cope with the additional demand on the service due to the complex needs of new tenants.

44.4 Charles Penrose informed the Sub-Committee that tenants with complex needs were becoming prisoners in their flats, and were missing out on attending tenants' meetings.

44.5 The Chair stated that he recognised that there was a problem of tenants with increased needs. He thought there was a need to assess the scale of the problem.

44.6 Councillor Mears considered that the points made in the letter raised concerns as it would appear that there was a need for extra care. She stressed that there had been 1.6 million savings in Adult Care & Health and a decision had been taken to take out 2 units of sheltered housing stock. She asked if Adult Care & Health were paying housing for extra social care. She also asked for details of numbers of people going into sheltered housing. Councillor Mears considered that there was a need for a report to the Sub-Committee to explain the changes to sheltered housing.

44.7 Councillor Farrow stated that he had concerns as to whether normal sheltered housing was the right place for extra care. He supported Councillor Mear's view that a report was required on the subject. He hoped people were being placed appropriately in housing. He requested a report before the next meeting.

44.8 Charles Penrose welcomed the above comments and agreed that a report should be written to explain what was happening in sheltered housing. A report would be welcomed by members of the Sheltered Housing Action Group.

- 44.9 Roy Crowhurst considered that that sheltered housing was changing. It appeared that a number of people were coming through Adult Care & Health. Mr Crowhurst mentioned a case where a man had come from a house he had shared with other people with learning disabilities. The man was now isolated and found it difficult to get involved with other sheltered housing tenants. Mr Crowhurst stressed that sheltered housing was not an ideal place for people with complex needs. Mr Crowhurst thought that 50 year olds should not be placed in blocks with people in their 70's and 80's.
- 44.10 Mr Crowhurst stated that some local authorities had older peoples' housing and supported housing. In Brighton & Hove there was sheltered housing for all, which Mr Crowhurst felt did not work.
- 44.11 Jean Davis stated that she lived in Leach Court. She agreed that people with extra care needs were being placed into the flats at Leach Court. Some of these people were in their forties and fifties.
- 44.12 Robert Spacie expressed concern that officers were making decisions about sheltered housing without a full report.
- 44.13 The Chair confirmed at this point that a full report would be submitted to the next meeting.
- 44.14 Charles Penrose mentioned that the government had a fund for care of the elderly. Roy Crowhurst suggested that part of any funding could be used to develop extra care housing.
- 44.15 Councillor Mears asked if officers had already applied for funding of £300 Million. She asked if the reason for younger people with learning disabilities moving to sheltered housing was related to the closure of learning disability homes. Councillor Mears wanted to see details of the impact of Adult Social Care not meeting their savings target last year and the contribution of Adult Care & Health to the housing budget. She stressed that housing should not be a cushion for Adult Care & Health. There needed to be a wide reaching report.
- 44.16 Robert Spacie stressed that the Sheltered Housing Action Group should be consulted on what was going into the report.
- 44.17 The Head of Housing stated that the Chair had already asked him to write a report. The £300 million bidding deadline was before Christmas. The bid went in on time and the Homes and Communities Agency were impressed by the quality of the bid. There would be 40 extra care units using HRA land. The issue was whether Brighton & Hove would be awarded a grant.
- 44.18 The Head of Housing explained that all allocations to sheltered housing occurred through the Choice Based Lettings process. There were a number of allocations which were being reviewed to ensure that they were appropriate. The report would look at who had been allocated a place and how the decision had been made. The Head of Housing stressed that if the report was to be submitted first to the Area Panels it would not be able to come back to the next meeting of the Housing Management Consultative Sub-Committee. He suggested that the report was initially submitted to the Sub-

Committee for debate. The report could then be submitted to the Area Panels for comment.

- 44.19 Councillor Mears asked how many Adult Care places were allocated into housing directly rather than coming through the letting process. She asked for reassurance that there had not been any allocations from Adult Care that had not come through the housing process.
- 44.20 Barry Kent stated that he had heard a one bedroom flat had been kept for a young person in Adult Care and Health. He stressed that young people could feel isolated if housed with elderly people.
- 44.21 Charles Penrose informed the Sub-Committee that he was trying to arrange for someone in Adult Social Care to address the Sheltered Housing Action Group on 13 March 2013 in Leach Court.
- 44.22 The Head of Temporary Accommodation & Allocation informed members that there was no age limit. The Housing Committee had agreed to remove the age limit some years ago. The Housing Management Consultative Committee and the Sheltered Housing Action Group had both been consulted.
- 44.23 The Chair stated that there had been no policy of placing additional people in sheltered housing. Extra people might arrive in sheltered accommodation for a number of reasons. There was a need to look at these reasons in the report.
- 44.24 Councillor Mears stated that in the past there had been two lists. One for housing and one for adult social care. There needed to be one clear route of allocations through housing. She would like to see figures in a report.
- 44.25 The Head of Housing informed the Sub-Committee that there would be a written report on Extra Care. He would not be in a position to capture all the issues raised in a report but suggested that there should also be a presentation to the HMCSC in order to work through questions.
- 44.26 **RESOLVED** – That the letter be noted.

(d) Notices of motion

- 44.27 The Committee noted that there were no notices of motion raised by members.

45. LETTINGS - PRESENTATION

- 45.1 The Sub-Committee considered a presentation from Lorraine Hamilton Re-Housing Manager concerning the Re-housing Team (formerly Lettings). The presentation set out the structure of the team and who they worked with. It discussed the Choice Based Lettings Policy and why it was important to let empty properties quickly.
- 45.2 The presentation explained the re-housing process, how adaptations were dealt with by the team and how local letting plans were making better use of housing stock or other

local need. Members were informed of performance data and empty property rent loss for all re-lets. Finally members were informed of exciting initiatives.

- 45.3 Councillor Peltzer Dunn referred to the slide explaining the re-housing process and asked the following questions. He asked if the end of tenancy visit was a visit taken before the end of the tenancy. Once the tenancy ended, how long was it advertised and how long did prospective tenants have to respond. Once the shortlist was completed how long did officers take to contact the people shortlisted.
- 45.4 The Re-Housing Manager explained that the end of tenancy visit took place just prior to the end of a tenancy. Officers advertised the property four weeks before the tenancy end date. Tenants had one day short of a week to bid for a property. Tenants were contacted approximately within three days of a shortlist being compiled, although it sometimes could take longer. Tenants were contacted immediately there was a target date. A decision was given within 24 hours of the deadline. It took four weeks maximum to advertise a property. Officers worked on 7 day calendar weeks.
- 45.5 Councillor Mears expressed concern about the cost of restructuring the section. She asked for details of restructuring costs, why it had been sanctioned and why there had been no tenant input. Councillor Mears was concerned that the process had gone forward without a report being submitted to committee.
- 45.6 The Head of Housing informed Councillor Mears that she would be given a written response. Councillor Mears asked for the response to be submitted to the Sub-Committee. She stated that tenants would prefer their rents to be spent on their properties and not re-structuring.
- 45.7 Charles Penrose stated that he had no recollection of the restructuring going through Area Panels.
- 45.8 The Chair stated that this information would be included in the response.
- 45.9 Barry Kent mentioned an unusual individual case concerning a property in Coldean. Mr Kent had noticed two Mears employees working on the property. These individuals moved into the property. The Chair replied that the matter would be investigated.
- 45.10 Keith Cohen asked for clarification regarding the over 50's in relation to the sheltered local lettings plan. The Head of Tenancy Services explained that the Sheltered Local Letting Plan only applied to sheltered housing and not to over 50's blocks.
- 45.11 Questions were raised as to whether tenants with particular needs could move to lower floors in blocks. It was agreed that Keith Cohen would check the policy with the Head of Tenancy Services.
- 45.12 **RESOLVED** – That the presentation be noted.

46. UPDATE ON RIGHT TO BUY AND LEASEHOLD MANAGEMENT - PRESENTATION

- 46.1 The Sub-Committee considered a presentation from Dave Arthur, Leasehold Manager, that provided an update on the Right to Buy, and leasehold management. The presentation explained recent changes to Right to Buy and imminent government department marketing activity. It explained the situation with regard to major works and implications for leaseholders, working with leaseholders when major works are proposed or carried out and payment options.
- 46.2 Councillor Peltzer Dunn asked if works carried out by the council were subject to competitive tender for quotes. The Leasehold Manager explained that the council no longer asked for quotes as there was a long term contract with Mears Ltd in place. Consultation had been carried out with tenants before the partnership was agreed.
- 46.3 Councillor Peltzer Dunn asked if the standard lease specifically allowed for the council not to have to arrange for competitive quotes. The Head of Property of Investment explained that the council used Mears Ltd as the primary contractor; however they must demonstrate value for money. Mears Ltd asked for quotes. The compliance team reviewed tenders to ensure proper procedures had taken place.
- 46.4 Councillor Peltzer Dunn expressed concern that leaseholders might not be getting value for money under the Mears contract. The Head of Housing informed members that there were still at least two types of lease in operation as a result of Brighton & Hove having once been separate local authorities. All the leases allowed the council to make a charge for improvements, except for the early Brighton one. All works were open to challenge. There was an internal disputes process with built in appeals. The Leasehold Valuation Tribunal could ultimately decide whether the council had been fair to leaseholders.
- 46.5 Councillor Mears stated that value for money was written within the contract. She hoped this would be adhered to. Councillor Mears noted that the presentation did not say what had happened to Right to Buy receipts. Councillor Mears made the point that the council had gone through the stock transfer process which had not gone ahead. There was need for a massive catch up to ensure there were decent homes. This was a major issue for leaseholders.
- 46.6 Councillor Mears reminded members that there used to be a 10 year contract for lifts. This was now a 7 year contract. She asked whether consultation had taken place with regard to lifts and whether there was an extra cost in reducing the contract to 7 years.
- 46.7 The Leasehold Manager stated that the consultation process with regard to lifts was similar to the Mears contract consultation. Leaseholders were given estimated costs for annual maintenance and were given a provisional timescale. Further consultation took place when works were proposed.
- 46.8 The Head of Property & Investment informed the Sub-Committee that he had an updated programme he could share. The lift contract started in January 2011. The total contract would be completed in about 8 years. There would be no extra cost involved in completing in 8 years instead of 10. He accepted there would be an extra annual cost but this would be offset by beneficial capital receipts.

- 46.9 Councillor Mears stated that these matters should have been reported to committee and she requested detailed figures. The Head of Property & Investment replied that this information would be available by the end of next week. Councillor Mears asked for this information to be sent to members of the Sub-Committee.
- 46.10 The Chair stated that he anticipated an increased take up of the Right to Buy scheme. He asked if officers were anticipating loss of units as a result of the process. The Leasehold Manager replied that the numbers of people applying for Right to Buy had not reached the level they were in the 2 years prior to the economic collapse. Officers were forecasting an approximate 150 applications this year. 35-40% tended to complete.
- 46.11 Barry Kent asked how Right to Buy affected new properties. Could someone buy them after a year or two? The Leasehold Manager explained that new tenants had the Right to Buy but the council could not sell new houses, under the Cost Floor arrangements, at a price that was less than the cost of building the house. This arrangement lasted for 15 years.
- 46.12 The Chair stated that when someone expressed an interest in Right to Buy, the responsibilities they were taking on were made clear to them, in terms of maintenance charges. The Leasehold Manager stated that a small number of tenants purchased on Right to Buy. A large number were sold on the private market. With regard to Right to Buy, the council offered interviews to explain major works that were required.
- 46.13 Roy Crowhurst referred to the Right to Buy Roadshow event and made the point that no-one could obtain a mortgage at the moment. The Chair suggested that this matter should be referred to the Department for Communities and Local Government.
- 46.14 Robert Spacie asked about numbers of repossessions under Right to Buy. He also asked whether the council had been chasing money owed to it by leaseholders. The Leasehold Manager explained that there may have been a number of repossessions by mortgage companies for non payment of mortgages, but not by the council. The Council had a robust procedure for recovering non payment of service charges from leaseholders. Approximately £750,000 of arrears had been passed to the council's solicitors over the past 10 years, with a 90-95% collection rate achieved. The Council had always managed to secure the money without having to go to the recourse of taking back the property. The Council were doing everything possible, through the payment options it offered, to avoid so far as possible having to take forfeiture action.
- 46.15 **RESOLVED** – That the presentation be noted.

The meeting concluded at 5.40pm

Signed

Chair

Dated this

day of