

Items from the Central Residents' Only meetings held on 04/05/17 and 10/08/17**1. May question- Tenants right to safety and security in their homes**

It was noted that tenants have a legal right to safety and security in their homes. This is being undermined as properties are let to people with serious mental health and addiction problems. How are the council aiming to meet this responsibility?

Response from Becky Purnell, Resident Involvement Manager, Tel: 01273 293022

In response to this item Richard Jordan-Penswick, Housing Manager, Complex Case Team, attended the Tenancy and Neighbourhood Service Improvement Group. He explained that the council is leading the way in implementing Closure Orders, introduced in the Anti Social Behaviour Act 2014, with nine successes so far. The majority of these properties were closed due to nuisance from drug dealing. Closure Orders can be obtained within 48 hours.

James Crane, Service Improvement Manager Temporary Accommodation & Allocations, came to the Citywide Conference and explained how much of the new Allocations Policy is determined by law from central government. There are some local regulations; for example, the local connection requirement when people apply for housing through the Homemove scheme has been increased from two to five years. Although there are exceptions to this – current or former members of the armed forces, Social Services cases and the homeless do not need to meet this requirement.

Simon Court, Senior Solicitor Housing & Litigation, spoke about how officers and tenants were frustrated by the evictions process in the past as the court's focus was the perpetrator of anti-social behaviour. Now the focus is on the victim and there are new powers of mandatory possession where the balance of power lies with the council rather than with the courts. The only way courts can stop eviction on this ground is if it there is a human right's matter that has not been considered or the correct process has not been followed. There have been 18 possession orders due to breaches of an injunction and a further 18 possession orders due to anti-social behaviour in the past ten months.

Some cases do take time before they can go to court as there is a need to build evidence. Anti-social behaviour should be reported to Housing Customer Services on 01273 293030 or Housing.CustomerServices@brighton-hove.gov.uk (in an emergency always call the police on 999). There was a recent case in a high rise block where a person (who has since moved) was causing considerable distress to their neighbours. The council was not aware of what was going on as people assumed their neighbours had reported what was happening and this led to a delay in taking action against the tenant.

Once an anti-social behaviour (ASB) report is made a victim and witness risk assessment is undertaken, the support needs of the victim are identified and an understanding about how the victim is communicated with is agreed. Satisfaction with the way ASB cases have been handled has risen from 70% in 2014-15 to 90% in 2015-16, (Housemark Benchmarking Comparison Report 2015/16).

The Tenancy Sustainment Team supports vulnerable tenants to maintain their tenancies. The team tries to get tenants to engage with appropriate support and offers short term practical help aimed at addressing the behaviour of the tenant. The majority of these residents do not cause anti social behaviour and are known to the council due to their support needs.

2. August question – Review of procedures for mutual exchanges

A number of concerns were raised about the present procedures for mutual exchanges, and it was agreed that there should be a review of the procedures, in consultation with residents.

The following points were made:

- Recent problems at Sylvan Hall indicate that properties are not inspected thoroughly before exchanges are allowed to proceed. There should be proper inspections done as part of the process for mutual exchanges.
- Residents have been told by Housing Officers that properties ‘do not have to be of a lettable standard’. This is not acceptable, and should not be happening.
- If out-going residents are in breach of their tenancy agreement then the exchange should not go ahead.
- Money owed by out-going tenants should be pursued even if the individuals involved are no longer council tenants.

Response from Angela Barkby, Rehousing Officer, Tel: 01273 293206

From April 2015 the Re-housing team has been responsible for mutual exchanges. There is a procedure for inspecting properties and it is as follows:

1. A Mears surveyor and a Re-housing Officer attend a property inspection, along with a K&T gas contractor and a Mears electrician.
2. All inspections are to ensure properties meet the Council’s ‘lettable home standard’.

There are unusual circumstances where there may be a breach of the tenancy agreement. For example there are circumstances where it is in the best interest of the outgoing tenant to move. An example of this is when tenants are being subjected to anti-social behaviour from other residents and this is causing problems that may be detrimental to their health. Another example may be that a tenant is unsafe at the property for reasons of domestic violence, hate crime or harassment etc.

All cases are assessed individually and a refusal is only applied when solutions to tenancy breaches cannot be found e.g. extensive DIY has been carried out and there are no means of reinstating the property to its original state, tenants are subletting, there is a Notice of Seeking Possession in place and there is no attempt to settle this etc.

The Housing Income Management Team will always seek to recover arrears, whether someone is still a tenant or not.

Items from the North Residents' Only meetings held on 1/6/17 and 20/7/17

3. June and July question - Housing Customer Service phone lines

When residents phone Housing Customer Services they often have problems getting through to the right person and can be on hold for extended periods of time. This can be very costly for people.

The meeting agreed to raise this at the Area Panel and request that Housing Services provide a Freephone number for customer services.

Response from Hilary Edgar, Housing Service Operations Manager, Tel: 01273 293250

The phone system used in the Housing Customer Service (HCS) team provides a wealth of information on the volume of calls it receives, how quickly they are answered and other performance data. To be able to answer this question fully I asked the North reps. to provide some specific examples of their experience about contacting the Housing Customer Service team. One rep. advised that on the 13th of July they had waited 20 minutes to get through to the team.

I have looked at the data for the 13th of July and can see that there were 112 calls that day to the HCS team. Of these, the average call waiting time was 25 seconds, there were 3 abandoned calls, the maximum time before a caller was either answered or abandoned was 5:01 minutes and throughout the day 96.55% of calls were answered. I also checked the 14th of July when performance wasn't quite so good; there were 111 calls, average waiting time was 1 minute 31 seconds, the maximum time a caller waited was 14 minutes 49 seconds and 85.38% of calls were answered.

In the month of July 91% of calls were answered and in the last quarter of 2016/17, 92%. Within this context, we can see that the 14th of July was below average. I am sorry that the North rep. had this experience. I have looked at our staffing level that day and can see that there were some unanticipated absences, so fewer officers were available to answer the phone than planned and I think this explains the higher than average waiting times. There is an option for callers to leave a message when waiting for an answer and I would encourage residents to use this for non urgent matters as they will be called back later that day by a Housing Service Advisor.

Providing a Freephone is an additional cost for the council. At a time when performance is generally very high, this is not something that would be a good use of rental income. Further, many residents who use mobile phones are often charged for Freephone numbers at a more expensive rate than for landline numbers.

The HCS team reports on ease of access and on residents' satisfaction with their service each quarter. It is important for residents that we measure high on both dimensions, so please do let me know anytime you feel you wait too long or are not

happy with the service you receive from the team so I can find out what has happened and ensure you get the assistance you need.

Items from the East Residents' Only meetings held on 27/4/17 and 3/8/17

4. April question - Estate Development Budget (EDB) – costing of work (the same question was also asked at the August meeting)

There is still concern about the amount Mears are charging for EDB work and the process for agreeing charges.

Two examples were given:

- In Woodingdean the cost for 12 fences is £15,000
- Penhurst Place were quoted £1,600 to jet wash two walls and some steps

The meeting agreed to raise this at the Area Panel and request clarification on the following:

- a) Is there any BHCC overview of Mears' prices before they are presented to the EDB meeting? How does this work?
- b) When the final price for a job is higher than the original quote how is this checked? Which organisation is responsible for covering the additional costs?

Response from Tracey Horner, Mears EDB Team, Tel: 01273 574356

In Woodingdean there were thirteen properties submitted for EDB fencing, one of which had already been done, one is a partial fence due to property boundaries, and another has been priced but waiting on further boundary checks prior to being installed. The total estimated cost for the twelve properties is £12,053.24.

These properties are all inspected, measured, and have estimates worked out using the contract Schedule of Rates agreed with the council. The completed jobs are then post inspected, re-measured, and invoiced according to the post inspection findings. Historically, these estimates are accurate.

Regarding Penhurst Place. This was originally estimated by one of our sub-contractors at £1,629.75. Mears have subsequently brought this sort of cleaning in house where possible. The cost of the work, again using existing agreed drainage/jetting Schedule of Rates, for the jetting engineer and second person for one day, is £834 giving a saving on the original contractor's quote of £796 with the money being returned to the pot for additional works. Again, this will be post inspected and priced accordingly.

Regarding costings from our side – these are transparent and we hold a file on each as to how we arrived at the bid amount. Some bids have been queried, and at the point of bidding residents queried some too, but with all the files of how we arrived at each cost we can be confident we can justify the bid amounts.

Please note, not many final invoice costs come in over the quoted amount. If we have made errors, such as an unproductive direct labour operative or faulty materials then we will take the hit and not pass this onto the EDB invoice. If the Residents Association slightly alters what they want on site we can accommodate that. However if there are things that are unforeseen which would cause a massive difference in billing then we would stop works and refer to BHCC for advice on a way going forward, we have done this a few times in the last year already. To give you an idea of how varying the bids can be once on site, out of the ones completed so far 2017-18 roughly 11 have gone over budget and 47 come in under, currently we are looking at an overall return to pot figure of £17K.

Glyn Huelin, Business and Performance Manager (BHCC) added that the quality and value checks are carried out by the Housing Programme Team following the completion of jobs on a sample of works. EDB jobs have been checked in the past but are not currently subject to a high level of checks due to low risk around this work area. We would be happy to explore further council checks with residents on the EDB Panel.

Becky Purnell, Resident Involvement Manager added that the EDB Panel discussed this item at the July meeting. Residents were satisfied that where applicable the Schedule of Rates is used and did not want to put EDB resources into additional checks on the work. The Resident Inspectors have recently started to inspect a sample of EDB works and will be reporting their opinion of the work to the Home Group. It was agreed that developing a briefing note regarding the cost of EDB work will be added to the EDB Panel Action Plan.

5. August question - Resident Involvement Review

A city-wide Panel meeting was held on 25th May to discuss the Resident Involvement Review proposals. Alan had not received notification of the meeting and so was not able to attend. This was a very significant meeting, but minutes do not seem to have been circulated yet.

It was agreed that this should be raised at the Area Panel with a request for minutes of the meeting and list of agreed actions.

Response from Becky Purnell, Resident Involvement Manager, Tel: 01273 293022

Alan my sincere apologies you were not notified of the meeting as I somehow missed your email when I copied the emails of the Area Panel representatives from the spreadsheet. The draft minutes of the meeting are included in this reports pack as this is the Area Panel following that meeting. The agreed actions were in the appendix of the Resident Involvement Review Report with one amendment which is point two of the decision of the Housing & New Homes Committee meeting held in June – see below

RESIDENT INVOLVEMENT REVIEW – decision record

1) That the recommendations set out in the resident involvement review action plan in Appendix 1 of this report are agreed. These can be considered in two groups:

2) Action 1 – a recommendation to continue with, and review the four Area Panels for the remainder of the municipal year, to develop more engaging agendas and to make recommendations at the end of this period to strengthen the formal resident involvement structure.

3) Actions 2 – 34 a body of recommendations covering all aspects of resident involvement work.

6. May question - Resident Involvement Review

A final draft of the Resident Involvement Review is now ready to be put forward to a special city wide Area Panel meeting on 25th May 2017.

Residents' reps on the Residents Involvement Review do not all support the report that is now being presented and feel that the process for agreeing it has been undemocratic. When a vote of Resident Involvement Review reps was held the draft was rejected by a vote of 6:3. As a result, a further meeting was held a week later, at which everyone was not present. A re-vote was taken which accepted the draft. The meeting felt that the process had clearly been undemocratic and that officers should be asked to explain why this had happened.

There was also concern about the way people have been notified of the Special Area Panel meeting on 25th May. Notification seems to have been via email rather than letter, which means it was missed by several people. The notifications also gave very little indication of the significance and importance of the meeting.

Response from Hilary Edgar, Housing Operations Manager, Tel: 01273 293250

The Involvement & Empowerment Service Improvement Group met with officers six times between June and October 2016 to discuss the Resident Involvement Review. In the original timeline for this work it was proposed that the October meeting of this group would be the last, with a final report setting out the review recommendations presented at the November/December 2016 Area Panels, then onto the January 2017 meeting of the Housing & New Homes Committee. However, the Involvement & Empowerment Service Improvement Group did not fully support the initial proposals to change the Resident Involvement structure and a further five meetings were held with this group between October 2016 and May 2017 to develop this part of the recommendations.

At what was intended to be the final meeting of the group on the 27th of April, a revised set of recommendations, based on discussions with the group, were put before residents. Those residents present were asked to consider the recommendations and reach a decision on whether they could support them. At this point in the meeting officers left the room. On returning, they were advised that the majority of residents didn't support the recommendations. This led to a further discussion and a request from the resident group that they reconvene in a week's time to allow consideration of what was being proposed as this was the first time they had seen the amended recommendations. A further meeting was arranged for 4th May and at that meeting officers again left the room while residents discussed the recommendations. This time a majority of residents did support the recommendations and these were included in the report to the Special Area Panel about the Resident Involvement Review on 25th May.

The invitation to the Special Area Panel was by email for resident representatives for whom we have an email address and by letter for those that we don't. A copy of the invitation to the Panel which lists the agenda is set out below. At the Panel

meeting it was agreed that invitations to any future Special Area meetings would be by letter, with the reports attached.

Invitation to the Special Area Panel:

Dear all

Special Area Panel on Thursday 25 May from 5.30 – 7.30 at the Housing Centre

I am emailing the papers for the Special Area Panel to Councillors and those Area Panel representatives that have email. Paper copies of all the reports will be available at the meeting, and please do give me a ring on 01273 293022 or email me if you would like paper reports before then. Representatives without email have been posted the documents below.

You are probably aware that there are four rounds of Area Panels supported by Democratic Services and for the past two years we have held an additional Special Area Panel in May to fit in with the cycle of the Housing & New Homes Committee.

Please find attached

- 1. A covering letter regarding the meeting and some information about Community Payback*
- 2. An Agenda*
- 3. A Resident Involvement Review briefing note*
- 4. The Resident Involvement Review briefing paper*
- 5. The Resident Involvement Review Action Plan*
- 6. Councillor and housing contact details*
- 7. An Annual Report briefing paper*
- 8. The draft Annual Report*
- 9. The draft Performance Report*
- 10. The Community Payback application form*

Residents if you are unable to make the meeting please do pass this invite on to your deputy. If they don't have an email, please do let me know and I will send them the documents in the post.

I am looking forward to seeing you all at the meeting.

Best wishes, Becky Purnell, Resident Involvement Manager

7. May question - Changes to the Tenancy Agreement

All tenants have received a questionnaire about proposed changes to the Tenancy Agreement. This has caused a lot of anxiety and concern and reps have been approached by people who are fearful that they will be evicted or lose their tenancy.

The proposed changes include:

- People will have to live in Brighton for 7 years before they can get a tenancy
- An end to assured tenancies which will be replaced with 5 year tenancies

Many Association officers are not tenants and therefore did not receive the questionnaire, but they still had to deal with queries. The meeting felt that they should have been advised about the consultation and provided with a copy so they could be prepared when asked for advice.

Response from Janet Dowdell, Tenancy Services Operational Manager, Tel: 01273 293191

We advised tenants of our intention to consult with them over changes to the current tenancy agreement in [Spring 2017 Homing In](#) and met with the Tenancy and Neighbourhood Service Improvement Group (T&NSIG) in November and December 2016 before entering into the formal consultation period which started on 8 May 2017.

The Housing Act 1985 requires that we formally consult with tenants and serve a Preliminary Notice setting out our intentions with the draft wording of a new agreement. This gives an opportunity for all our tenants to comment and provide feedback on the proposals. The formal consultation ended on 12 June 2017 and we will take the results and the final Tenancy agreement to Housing and New Homes Committee for a decision which we are aiming to do in September 2017. As we are only required to consult with our tenants we did not include others in the original mail out but have supplied copies of the documents to Tenant representatives when they have requested them.

There are two main changes to secure tenancies coming from the Housing and Planning Act 2016 which are:

1. Succession rights – which are to be applied retrospectively to all existing secure tenants.
2. Flexible Tenure – for new tenants only.

The government informs us that these changes will come into force in the autumn of this year and we need to be prepared. We have taken this opportunity to review the entire agreement at the same time as it is good practice to review agreements on a regular basis. We have had the help of the T&NSIG as well as officers and legal advisors to do so. The aim is for the agreement to be easier and clearer for residents to understand their rights and responsibilities.

In answer to the two highlighted bullet pointed areas of concern I will respond under each:

People will have to live in Brighton for 7 years before they can get a tenancy.

I believe this refers to the Council's Housing Allocations Scheme which was reviewed in 2016. This changed from an open housing register to a local connection criteria of five years residency to be on the register (from the previous two years to a maximum of Band C) with a number of exemptions.

An end to assured tenancies which will be replaced with 5 year tenancies.

We cannot consult or inform tenants of the new Flexible Tenancy arrangements yet as we do not have the detail which will be contained in the government regulations. When we receive the regulations we will consult/inform our existing Secure Tenants. The new Flexible Fixed Term Secure Tenancy Agreement will only apply to new tenants after the implementation date.

I hope this clarifies things but please call me if you have further queries on the new Tenancy Agreement.

Becky Purnell, Resident Involvement Manager added, that the T&NSIG had added a number of actions to the action plan regarding this.

1. Janet attended the Citywide Conference to myth bust residents' concerns about the new Tenancy Agreement.
2. T&NSIG would like to tenant proof any further communications relating to tenancy.
3. The Resident Involvement Team will make sure any Chairs and Secretaries who aren't tenants receive tenancy information so they can respond to questions from tenants in their area.

The new Tenancy Agreement is a report on today's agenda.

8. July Question - Resident Involvement Review

Alison Gray, who is a representative on the Involvement and Empowerment Group, gave a report on the review. She said the proposal to replace Area Panels with City-wide panels was defeated, and a decision made to maintain the status quo.

Before each Area Panel there will be an agenda-setting meeting with the Councillor Chair of the Area Panel (presently Cllr. Moonan) plus resident representatives.

The meeting noted that no clear information has been sent to resident representatives about the agreements and how the structure would now work, although it was coming into effect from the next Area Panel in September. It was agreed to:

- a) Ask Resident Involvement Officers to contact the joint chairs of West (Muriel Briault and Ron Gurney), before the September Area Panel to clarify the following:
 - How many rounds of Area Panel meetings there will be?
 - How the agenda setting process will work.
 - The status of blue pages.

- b) Ask for clear information on all the agreements reached in the Resident Involvement Review, and how the new processes will work, to be sent in written form to all Resident Association representatives.

Response from Becky Purnell, Resident Involvement Manager, Tel: 01273 293022

All the Area Panels have had an agenda planning meeting where the Chairs of the Resident Only Meetings, the Chair of the Area Panel and the resident Vice Chair of the Area Panel, have been invited by the Resident Involvement Team to meet and plan the agendas of the Area Panels. We are gathering feedback from representatives and hope that the Resident Only meetings can think about making the Panels more engaging.

There are four rounds of Area Panels left in this municipal year and the Area Panels will be evaluated in their last round in February / March 2018.

The items from the Resident Only Meetings were discussed at the agenda planning meetings.

As agreed in the action plan of the Resident Involvement Review

One and two star items: Enquiries about repairs and planned works etc will be decided at the Resident Only meetings and may be sent to P&I Enquiries@brighton-hove.gov.uk

A list of numbers useful for making enquiries and councillor contact details have been circulated with these papers.

Two star association issues that occur following an enquiry will be responded to as soon as the item is received and a response sent to the association and Chair of the Tenant / Resident Only meeting. The emails above and phone numbers will be circulated to the associations.

If necessary a quick response meeting can be organised.

Three star items: Use three star items from Tenant / Resident Only meeting and customer feedback to develop residents' action plans (monitored by the four Service Improvement Groups (SIGs) and the EDB Panel at quarterly meetings. Some of the three star items may lead to a service review and agenda time at panel meetings.

The responses to the three star items are still published with the Area Panel reports. There have been some exceptions to this. We cannot respond to questions that are not about housing services and have passed the relevant contact details to the association. One item has been deferred as the response is going to the Home group where it was raised originally and this is after the Area Panel. Only questions that have citywide significance are three star items and individual association enquiries have been responded to directly. There is a session to get further clarity on one, two and three star items with the Resource Centre, Resident Only Chairs and the Resident Involvement Team on 5 October.

The Resident Involvement Review 2017 action plan was distributed to the Area Panel representatives with the Resident Involvement Review report and it outlines all the actions attached to the Resident Involvement Review.

All the actions remain the same apart from point one, to continue with and review the four Area Panels for the remainder of the municipal year, to develop more engaging agendas and to make recommendations at the end of this period to strengthen the formal resident involvement structure.

9. July question - Fire Safety in High Rises

The importance of keeping landings and common areas clear was noted. Residents were asked to be vigilant and to report any problems immediately.

Various specific issues were raised about fire safety. It was agreed that the best way to pursue these was for individual Associations to invite the fire service to their meetings to talk about issues such as assembly points and fire extinguishers in their areas.

The meeting asked for clarification on the position of leaseholders with regard to purchasing new fire doors. Is it council policy to allow leaseholders to pay in gradual instalments for new doors provided by the council?

Response from Perrin Horne, Customer Service Manager, Business & Performance team, Tel: 01273 294641

Brighton and Hove lease types are different. Please see attachment

Brighton leases - Leaseholders are responsible for paying for, repairing or replacement of their own doors.

Hove leases - Although they do vary, the council in the main are responsible for the repair and/ or the replacement of the flat door and the leaseholder is responsible to pay the full cost of any repair or replacement of that door. This sum would be invoiced in the annual service charge. Depending on the costs, it might be possible to pay in instalments over a designated period but generally speaking, non- resident leaseholders would be required to pay the amount in full.

10. July question - Clearing of soakaways

Ingram Court has on-going problems with a lack of maintenance of drains and soakaways on the estate. Recent heavy rain created flooding because of blocked soakaways.

The Residents Association is pursuing the specific issues on their estate. It was agreed that this raises a wider city-wide problem about the maintenance of drains and soakaways. The following questions were asked:

- a) Is there a regular maintenance programme for drains and soak-aways?

- b) If not, how is this justified in terms of value for money? Waiting until damage is done ups the cost, as well as causing expense and disruption for residents.
- c) Does the council still have specialist vehicles for drain clearance?

Response from Marcus Richardson, Surveyor & Contracts Manager, Housing Programme team, Tel: 293070

Currently, the council doesn't have a regular maintenance programme but when a problem occurs and is reported, the Repairs Help desk will raise an order for the work to be done. Mears will then either carry out the work 'in house' or refer it on to a specialist sub- contractor. Housing doesn't have specialist vehicles to do this work.

Thank you for bringing this concern to my attention; if there's a specific issue with drains and soakaways in Ingram Crescent, please let me know which blocks are affected as there may be an underlying issue. This would then be assessed to check if regular cleaning is required and therefore result in less disruption for residents.

11. July question - Conditions of tenancy

Information was requested on the position of tenants who have been convicted of drug dealing. Will they be evicted under the terms of their tenancy?

Action: Ill for Blue Pages/agenda setting meeting

Response from Richard Jordan- Penswick, Housing Manager, Tenancy Management, Tel: 01273 294650 & Adrian Channon, Housing Manager, Tenancy Sustainment Tel: 01273 293233

New legislation has enabled the Tenancy team to act robustly with antisocial behaviour situations such as drug dealing and issues related to drug use. Property "closure" notices are now widely used and the team has sought 9 Possession Orders based on these, this year. However, once at court the decision to evict or not lies with the Judge, based on evidence and mitigating circumstances, if any.

The Tenancy Sustainment team works with tenants who are struggling to maintain their tenancies and whose behaviour in certain cases is putting their tenancies at risk. The team will try to get the tenants to engage with appropriate support and offers short term practical help aimed at addressing the behaviour.

In some situations this might be a requirement of the court if it was considered an eviction was inappropriate

12. July question - Upgrades to Sky TV and communal satellite dishes

Sky is upgrading all of their present systems to Sky Q as people renew or change their subscriptions. This is creating problems where there are communal satellite dishes in place, as they cannot cope with the additional demands of the Sky Q system. This is already affecting some residents, and numbers will increase as Sky upgrades spread.

It was agreed to ask what the council policy is on upgrading communal satellite dishes so they continue to be viable, and if there is a planned programme for this work.

Response from Adrian Day, Mechanical & Electrical team, Tel: 01273 293453

We are aware of these upgrades but not that any residents are being affected by this. If anyone is experiencing a problem, please contact me on the above telephone number.

The council's responsibility is to provide a basic service and anyone wishing to have the Sky Q system will have to enter into a contract with Sky.