

Brighton & Hove City Council

Housing Committee

4.00pm 18 January 2023

Hove Town Hall, Council Chamber

Minutes

Present: Councillor Gibson (Joint Chair), Hugh-Jones (Joint Chair), Williams (Opposition Spokesperson), Fowler, Meadows, Osborne, Phillips, Powell, Barnett and Grimshaw (Substitute)

Substitutes: Councillor Barnett for Councillor Mears and Councillor Grimshaw for Councillor McIntosh

Part One

49 PROCEDURAL BUSINESS

49.1

- a) **Declaration of Substitutes:** Councillor Barnett substituted for Councillor Mears; Councillor Grimshaw substituted for Councillor McIntosh
- b) **Declarations of Interest:** Councillor Powell stated they were working with Sussex Police with regard to item 58. Councillors Williams, Osborne and Grimshaw stated they were members of ACORN.
- c) **Exclusion of Press and Public:** There were no Part Two reports, therefore the press and public would not be requested to leave the meeting.

50 MINUTES OF THE PREVIOUS MEETING

50.1 The Minutes of the 16 November 2022 committee meeting were agreed.

51 CHAIRS COMMUNICATIONS

51.1 The Chair addressed the committee and stated the following:

These communications are lengthy, but listeners may be hugely relieved to hear that they will be my last ones since I am not standing for re-election in May (and barring unforeseen circumstances Sirioli is due to chair housing committee in March). In my last chairs communications as well as highlighting recent news in housing I will at times reflect on progress stretching back over the 8 years I have been on the housing committee. So please indulge me one last time!

In November I joined the rough sleeper team on the annual count. My strongest memory was when the staff called by name through a tent to a known rough sleeper at 1.30 am in East Brighton Park being told politely but firmly to “go away!”. Even though, at that time the 44 beds normally provided by No Second Night Out were unavailable, only 41 people were counted. This is only 3 more than the year before when No Second Night Out was open. Whilst 41 is far too many for a rich country like ours, but at least in Brighton and Hove numbers of rough sleepers have come down from an estimated high of 178 in November 2017 to 88 counted in November 2019 and now to 41 counted in November 2022. I hope that the trebling of Housing First provision for complex needs rough sleepers has contributed to this progress. A fuller update on the work of the Homeless Reduction Board will be provided to the next housing committee in March.

Finally, it is encouraging that this winter there will be an LGBTQ+ night shelter service coordinated by Switchboard up and running from next week. LGBTQ+ people are disproportionately made homeless, and it is hoped that this new shelter offer will provide a supportive setting for people in crisis and help ensure fewer LGBTQ+ residents slip through the net.

Another cause for improvement in the number of homeless households has been the Homeless Transformation Programme and greater emphasis on homeless prevention. By improving our efficiency of homeless prevention, it is possible we can counter the increase in households threatened with homelessness due, amongst to other things, to pressures such as soaring private rents and the cost-of-living crisis. I should like to acknowledge and thank staff for their initial success in this area. In November and December 66% homeless prevention cases were successful compared to a national, average of 56%. Also, numbers of homeless households in temporary and emergency accommodation have fallen from 2,111 in April 2021 to 1,784, a year and a half later (a fall of 16%). Importantly, households in emergency accommodation fell by 89, a fall of 15% in only 6 months of this financial year. A stakeholder workshop to help embed some of this progress is being arranged jointly with JustLife, to involve partner agencies. In the context of a cost of living crisis and looming recession these are great achievements.

Underpinning these achievements in part has been our record increase in the number of council homes. Some of these are reported today in the workplan progress update. I can provide a positive update on these figures given that our projected additional council homes, had, as of the end of November last year increased to 200. This is amazing work and thanks are due to the hard work of the staff on this. It means that we could achieve through our joint programme almost as many additional council homes in a single year (this year), as in the previous administration’s 4 years. This achievement includes the 42 new council homes at Victoria Rd Portslade which Siriol and I visited last week to see the show flat. These homes benefit from solar PV, ground source heat pumps, a green wall and a mini orchard and are an impressive demonstration of what the council can build. They also include the 49 new homes at truly affordable rents, that I visited today, also in Portslade and which the council will be buying this year from the joint venture with Hyde. Whether these homes are occupied by the end of this financial year or not will be a photo finish. But either way these two projects alone massively outstrip losses under the right to buy and provide a significant opportunity for housing people on the waiting list, needing a transfer and homeless.

We need to keep increasing our output of additional council homes to meet as much of the huge housing need, but also ensure our allocations work as efficiently as possible. The report on allocation on today’s agenda seeks to do this. Now that the worst impact of the pandemic is over it seeks to reduce the planned allocations to homeless households in the short term whilst a review of policy is undertaken.

Elsewhere on today’s agenda, there is an update on progress in private rented housing. Around a third of people in the city rent privately and it is important standards are improved, insecurity

reduced and controlled. Sadly, tenants have been failed by national governments over the last 35 years on rent control and on insecurity. However, locally we can have an impact on property conditions. We are committed to addressing this by introducing landlord licensing where the evidence exists. The interim findings of the study we commissioned which are reported today suggest that there is evidence to potentially justify schemes on the basis of poor property conditions and on levels of deprivation in some areas. There is also evidence which should enable an additional licensing scheme for HMOs. Whilst a bit more data analysis is still needed, this is good news for those wanting to progress licensing and there will be a member workshop with the consultants on 1st February when the final findings are ready to consider any licensing schemes that can be agreed to go to consultation at March's housing committee. Whilst this process has been slower than I'd have liked, having worked to compile robust evidence around licensing schemes options, we should avoid the failure to progress a licensing scheme when under challenge as experienced previously.

The other main recommendation of the PRS report is around reviewing enforcement policy. *We want to ensure we are taking every opportunity to improve the standards and management of the private rented stock. So, we will be reviewing the enforcement policy we inherited, taking into consideration best practice around the country and recent decisions made in the High Court.* A review aims to ensure that our enforcement approach maximises the achievement of improvements for tenants. This is a complex area. Part of this policy will be developing a zero-tolerance approach to rogue landlords (a rogue landlord being defined as a landlord who has broken the law). Before this review is complete, we are proposing to take pre-emptive action against landlords who we have reason to believe may attempt to break the law by serving improvement notices following inspection. The report also notes that we have increased the use of fixed penalty fines levied on the relatively small number of poor landlords. Action against landlords who don't improve their properties is up by 550% on the previous year. I would add that it is important we publicise this to send a clear message to the majority of reasonable landlords that there are actually consequences to neglect. On a legal level, the council will be in court later this week taking action against a particularly bad landlord.

Allegations have been made by ACORN in the press that the "greens are back tracking on our promises and siding with landlords over revenge eviction" This is simply not true and appears to me disappointingly like playing party politics shortly before an election on an issue far too important to spread misinformation.

On a positive note, I am pleased to report that thanks to a creative deal the council have prevented the much publicised eviction of the family of a disabled man in Hove and we have secured their disabled adapted home for the future by coming to an arrangement to enable the purchase of the property from the landlord.

Today, committee is being asked to adopt a new Anti-Social Behaviour Policy. Members will remember the petition that came to last committee and the moving accounts we have heard previously from residents about anti-social behaviour in council blocks. The adoption of a new policy is a positive step – and we must thank all the officers and residents who were involved in developing it. But the proof is in the pudding which means committee will no doubt want to monitor its effectiveness in practice.

The performance report outlines how well we are bouncing back from the worst impact of the pandemic. Of particular concern to members has been the number of empty properties, the backlog of mutual exchanges and the repairs backlog. As of the beginning of this year, the number of empty properties is 144, down from 251 last year. This compares favourably with other councils. The relet time continues to improve, down to 87 days from 210 days last year. Thanks are due for the hard work of staff in this area. Thanks, are also due for eliminating the backlog of mutual exchange cases.

The Housing Repairs & Maintenance service continues post pandemic improvement across all key performance indicators. Customer service measures including calls answered by the repair's helpdesk, satisfaction with repairs standard of work and satisfaction with overall customer service are all above target. The service completed 647 more repairs in Q2 (6759 jobs) when compared to Q1 (6112 jobs). There are currently 11186 jobs with the service of which 9085 are backlog when taking into account what we would usually expect to hold as works in progress. Given increased pressures on the service owing to very poor weather and a significantly higher levels of reported damp and condensation cases following the tragic Rochdale case there is still a way to go. Another performance improvement worth noting is the improves energy efficiency SAP rating for council homes which is now up to 73, up from the recorded rating of 68.2 last year and 66.6 5 years ago, suggesting that progress is accelerating.

Two other housing management issues of concern should be noted. Firstly, rent collection is below target and now the pandemic is over staff will be focussing more on enforcement aligned to offering advice and support to tenants who may be struggling to pay their rent or are concerned about money. Secondly problems with damp and mould, highlighted by the tragic case in Rochdale. Officers have recorded a 33% increase in reported damp and mould cases since December 2022. As well as utilising our in-house repairs & maintenance resource we are also increasing our specialist contractor capacity to address the number of reports we have, currently 708 jobs. Officers are liaising with Families, Children & Learning and Public Health colleagues, using a health-risk-based approach to target any urgent cases for priority action. In today's budget we are also proposing to increase the spend on damp and condensation works to £500,000 next year.

This brings us onto the proposed HRA budget for approval today. Amongst other things, the budget will allow us to continue full steam ahead with additional council homes, and in the midst of a cost-of-living crisis it will cap all HRA rent rises to 7% of the lowest regular social rents equivalent for the same size property. It will also reduce the increase in energy service charges by spreading them over several years. It will continue the improvements in energy efficiency embedded in the capital programme and working towards our carbon neutral 2030 goals.

52 CALL OVER

52.1 Agenda items 56, 57, 58, 59 and 60 were called for discussion.

53 PUBLIC INVOLVEMENT

53.1 To consider the following matters raised by members of the public:

(a) Petitions: None for this meeting.

(b) Written Questions: Three for this meeting.

1. From: Jim Deans

Question: *In the first few months of Covid, very large sums of money were handed out by BHCC, Much for accommodation and food support. SHS received zero despite stepping up from one weekly street kitchen to 8 covering the closures of day centres. Rumours are circulating within the support network of a very large amount as much as 1 million some say given to one private individual.*

I would ask the councillors to undertake an immediate inquiry into this and to the due diligence done before funds were given, this should be shared with both professional and voluntary organisations within the homeless network. We would ask that the

amounts and to who were these funds distributed.

Already there is a reporter from a national newspaper asking questions regarding this so I would hope this inquiry could be swift.

*Jim Deans
Sussex Homeless Support*

Response: *Thank you for your question.*

The council does not make payments for the provision of support services to individuals and allocates funding for commissioned services in accordance with legal duties and our financial and other standing orders.

If anyone has any evidence of any fraud involving Council funding this should be reported immediately to the relevant senior officer or Chief Finance Officer.

Publicising gossip and rumour is not helpful. It does nothing to assist those in our city that depend on these services and could alert any fraudsters to any subsequent investigation.

2. From: Daniel Harris

Question: *Having reviewed the allocations stats provided, I and a lot of current service users have issues with the former allocations review, how that was conducted and how this seems to have impacted persons with disabilities. None of the temporary options presented are useful. We would present an alternative plan for the 6 months to the following:*

Homeless – 35%, Transfers – 25%, Homeseekers – 25%, CIQ – 15%

Can you please consider this and reject the officer recommendations?

A Supporting Statement from Lauren Coveley has been received:

Dear whom it may concern.

I write to you today to ask that you reconsider the percentages of properties and banding that is released.

Like myself there are many people in impossible living circumstances with disabilities unable to live a normal/happy life. Over the last 5 months I have been in contact with (redacted) regarding my own housing needs and outlined how I believe the housing banding is wrong. There are people with disabilities stuck in housing they cannot live in due to a lack of properties being put available to them. This is causing a massive effect on people's mental health as-well as physical, I believe something should be done. I recommend the administration to provide percentages provided by Daniel Harris or I will be seeking legal action.

*Kind regards
Lauren Coveley*

Response: *Thank you for your question.*

Housing Committee's decision regarding the Allocation Plan will be considered in the context of the report presented.

The reports notes (para 3.13) that although there are higher proportions of households with a disability in both the Transfer and Homeseeker queues this is mitigated by the fact that adapted properties would only be offered to households with a disability and the 'queue' they are within is less of a factor.

The option proposed in the question closely aligns with Option 1 within the report. Housing Committee will reflect upon this as part of its decision making process. However, it is noted within the report that adopting this plan may have a detrimental impact on reducing the number of households in temporary accommodation in the shorter-term. Given we want to reduce the time homeless people live in less than ideal emergency and temporary accommodation this is an important consideration.

Supplementary question: More adapted homes please.

Response: *Adapted numbers are on the increase. The homeless queue from the pandemic is being brought down as officers are working hard.*

3. From: Charles Harrison

Question: *Housing Performance Report: The Council's Housing Performance Report for Q2 2022/23, shows 24 of the 34 Work Plan objectives being on track. However, I also note that only 8 of the 16 KPI's are currently on target.*

I am particularly concerned that the report item 1.1 (Provide additional affordable homes) is off-track, with only 493 of the targeted 800 additional council homes projected for completion in this 4yr period.

I also note that item 1 2 (Provide additional affordable homes) is on track and forecasting an impressive 610 new affordable homes to be completed in the 2022/23 period.

However, I feel that "affordable rents", based on discounted market prices and shared ownership homes, when mortgage repayments, service charges and rents are taken in to account, may become increasingly out of reach for those on local incomes.

Does the Council share my concern that there may be an over-reliance on the private sector, to provide affordable housing and, if so, how does the Council propose to address this?

Response: *Thank you for your question. Since the target of 800 additional homes was agreed four years ago there has been a global pandemic which severely impacted the delivery programme and meant we could not progress some schemes as quickly as we anticipated. This is not a Brighton & Hove specific issue with other authorities experiencing similar issues. However, as we have emerged from the pandemic, we are getting the programme back on track with the number of new affordable homes*

anticipated to be delivered in 2022/23 exceeding any of the previous four years. Under the joint programme we are averaged over 109 additional homes a year in the first 3 years compared to 51 homes under the last administration.

Although outside of the timescales of the original target, we are on site with a number of additional schemes including the Homes for Brighton & Hove schemes at Coldean and Portslade which will deliver 176 homes at social rents during 2023/24. I visited the 49 new council homes in Portslade today. They look good and crucially will be let at social rents (as defined by the government). These homes may or not be ready to let in this financial year, but if not they should be occupied just after in April and May. The council's largest proposed scheme to date at Moulsecoomb delivering 212 homes was also granted planning permission last week.

'Affordable housing' is a nationally defined term. In terms of benefitting from external funding, registered providers are required to use this definition which include both rented and low cost home ownership options. Current delivery of affordable housing for the city recognises there are many groups impacted by housing need and supply. Adopting a 'mixed economy approach' reflects this.

The council continues to make an important contribution to the supply of affordable housing. Our programmes to deliver include new build schemes, refurbishments, acquisitions and our Homes for Brighton & Hove partnership with Hyde. This blended approach has enabled us to bring forward an ambitious programme with a pipeline of sites to be delivered in future years.

Our partner Registered Providers are also bringing forward their programmes for delivery in the city with 31% of the four year programme being available for rent, which includes some housing at social rent. We'll continue to work with our Registered Providers on their programmes moving forward to ensure that it reflects what the city needs. However, since registered providers have been focusing more on less affordable products such as shared ownership it is important that as a council we continue as much as possible achieving 100% rent homes at the lowest rents we can manage.

Supplementary question: Good to see split approach using local government and private sector, and hope committees work together to supply affordable housing.

Response: *Planning has been an issue, however, happy to talk about a site visit to Portslade.*

(c) Deputations: None for this meeting.

54 ITEMS REFERRED FROM COUNCIL

54.1 None for this meeting.

55 ISSUES RAISED BY MEMBERS

55.1 To consider the following matters raised by councillors:

- (a) **Petitions:** None for this meeting
- (b) **Written Questions:** None for this meeting
- (c) **Letters:** None for this meeting
- (d) **Notices of Motion:** None for this meeting

56 OPERATIONAL REVIEW OF ALLOCATIONS PLAN & REQUEST TO REVIEW THE ALLOCATIONS POLICY.

- 56.1 The Assistant Director Housing Needs & Supply introduced the report to the committee.
- 56.2 Following questions the committee Members were informed: that the plan came to committee for verification and approval before going live; women made up the largest percentage of Homeseekers; transferers in options 1 and 2 were the same; the highest percentage of matched properties were disability; housing register recognises issues and over takes letting plan; everyone on the housing register will be consulted; policy will not necessarily have more disability housing; consultation events will be open to the public; disabilities are assessed from the information provided by the applicant; housing needs assessments reveal how many adapted homes are required; occupational health form part of the adaptations team.
- 56.3 Amendment to recommendations: Proposed by Councillor Grimshaw and seconded by Councillor Williams.
- 56.4 The Members debated the amendment and considered the following: the amendment was not clear; it was in the interest of all to have all the information; delay was unnecessary; disabled persons need to be valued; number of transfers should be increased.
- 56.5 A vote was taken, and by 3 to 7 the committee did not agree to the recommendation amendments.
- 56.6 A vote was taken, and by 8 to 2 the committee agreed the recommendations (not amended).

RESOLVED: That Housing Committee:

- 2.1 Note the letting outcomes for the financial years 2020/21 and 2021/22 and the first six months of the current financial year 2022.
- 2.2 Agree Option 2 as a new Allocations Plan as set out at 4.6 below, to be effective from 1 April 2023.
- 2.3 Agree to commence consultation on reviewing the Allocations Policy, noting the broad timelines that would apply.

57 HOUSING COMMITTEE WORKPLAN PROGRESS UPDATE AND HOUSING PERFORMANCE REPORT QUARTER 2 2022/23

- 57.1 The Head of Housing Strategy & Supply introduced the report to the committee.
- 57.2 Following questions the committee Members were informed of the following: there has been an increase in the reports of damp and mould, and responses have been improved from contractors and in-house services, high risk cases are being looked at and there is a want to move quickly; the additional licencing scheme for Homes of Multiple Occupancy (HMO) runs until the end of February 2023 and compliance is checked; emergency repairs are 98.6% within 24 hours; tenancy and garden visits are being brought back to pre-pandemic situation, with a target of every 5 years; stage 2 complaints improvements are being looked at with the multiple teams involved, 18% of complaints upheld by the ombudsman, therefore 82% were not.
- 57.3 A vote was taken, and the committee agreed the recommendations unanimously.

RESOLVED:

- 2.1 That Housing Committee notes the report.

58 ANTI-SOCIAL BEHAVIOUR POLICY

- 58.1 The Head of Housing Tenancy Services introduced the report to the committee.
- 58.2 Following questions the committee Members were informed of the following: the policy started summer 2022; there is a rapid response strategy and regular conversations with victims; guidance and training for officers is in place with a joint action group meeting every month; hate crime training plan is victim centred to understand impact; diaries are still kept for 2 years usually and are used in evidence at court; communications are being strengthened regarding sensitive lets; only proportionate actions can be taken against perpetrators; housing officers and other agencies take on case work, not the field officers.
- 58.3 A vote was taken, and the committee agreed the recommendations unanimously.

RESOLVED:

- 2.1 That Housing Committee approve the Anti-Social Behaviour Policy.

59 PRIVATE SECTOR HOUSING UPDATE

- 59.1 The Assistant Director Housing Needs & Supply introduced the report to the committee.
- 59.2 Following questions the committee Members were informed of the following: the evidence in the report has come from those who have approached the council; there are approximately 44,000 private renters in Brighton and Hove, with 20% properties requiring action, and 462 cases have been dealt with; 96.8% of cases are resolved by informal action and it is better to work with landlords; most tenants approach council alone, not with the landlord; it is preferred that landlords make changes and improvements themselves; evidence suggests 1% of landlords are served section 21 notices;

Debate

- 59.3 The following comments were made by committee Members: reform of Section 21 was called for; revenge evictions are not rare and zero tolerance is not disproportionate; many tenants becoming homeless in 2023 due to rising rents; landlords should be supported as 99% of landlords are responsible; the 'Warmer Home' scheme supports landlords; the English Housing survey states that 13% of rentals have hazards and is therefore a big problem going unreported; other authorities have Gold and Platinum licensing schemes.
- 59.4 The recommendations amendment was presented by councillor Williams and seconded by Councillor Osborne.
- 59.5 A vote was taken, and by 8 to 2 the amendment to the recommendations was agreed.
- 59.6 A vote was taken, and by 8 to 2 the amended recommendations were agreed.

RESOLVED: That Housing Committee:

- 2.1 Agree that development of an in-house Ethical Lettings Agency will not be pursued at this time, though Committee may consider it in the future.
- 2.2 Note the progress on the Selective Licensing Feasibility Study and the proposal to arrange a Housing Committee Member Workshop (early February 2023) on options to progress.
- 2.3 Note that evidence suggests a new Additional HMO Licensing Scheme is potentially viable, and if so that required consultation on this should be linked to any consultation agreed to progress selective licensing.
- 2.4 Agree a review of the current Private Sector Enforcement Policy is undertaken and that in the interim where appropriate proactive use of improvement notices is exercised against landlords and letting agents as referred to in 4.3.4. This review will, among other things, reflect the motion passed at Full Council in December 2022, requesting officers to bring a report to Housing Committee:
- a) Reviewing the Council's private sector housing enforcement policy to reduce tenants' risk of 'revenge evictions' by serving 'improvement notices' and 'emergency remedial action notices' at the soonest opportunity
 - b) Outlining plans to display on the council website steps private renters can take regarding repairs requests and revenge eviction notices
- 2.5 Note the options and restrictions relating to a 'Rogue Landlord database'. To approve further investigation of the establishment a 'Rogue Landlord database' in Brighton & Hove and report back to Housing Committee in March 2023 and will continue to work towards a zero-tolerance approach to rogue landlords as agreed by this committee.

- 2.6 Note activity during 2022/23 (to 30 November 2022) in relation to private sector housing enforcement.

60 HOUSING REVENUE ACCOUNT BUDGET & CAPITAL INVESTMENT PROGRAMME 2023/24 AND MEDIUM-TERM FINANCIAL STRATEGY

- 60.1 The Assistant Director Housing Management introduced the report to the committee.
- 60.2 Following questions the committee Members were informed of the following: the amendment sought to spread costs of service charges; residents would be supported, including those above the Universal Credit threshold; travellers on pitches would receive support; it was understood that the HRA fund was not a general fund and budget review meetings were ongoing; there will be a saving on field officers removal and rent collection enforcement was ongoing; the Coldean and Belgrave joint venture would deliver homes at the lowest rents ever achieved, with half to the council and half to Hyde Homes; the apprenticeships were ongoing as were the installation of access points; the council are looking at damp and condensation in council homes following the recent Rochdale case; the service charges would increase as a result of the rise in utilities prices, with the budget increasing to help tenants with the cost-of-living.
- 60.5 Councillor Gibson introduced the amendment, which was seconded by Councillor Williams. Councillor Meadows did not support the amendment.

Vote

- 60.6 A vote was taken, and by 8 to 1 the committee agreed to accept the amendment. (Councillor Barnett left the meeting and took no part in the vote or decision making process).

Vote

- 60.7 A vote was taken, and by 8 to 1 the committee agreed the recommendations as amended. (Councillor Barnett left the meeting and took no part in the vote or decision making process).

60.8 **RESOLVED: That the Housing Committee:**

- 2.1 Approves a rent increase of up to 7% in line with government legislation as detailed in paragraph 4.6 of the report as amended.
- 2.2 Approves the service charges and fees as detailed in Appendix 2 to the report as amended.
- 2.3 Notes the Medium-Term Financial Strategy and 30-year financial projections shown in Appendix 4 to the report.
- 2.4 Approves the Travellers fees and Charges set out in Appendix 5 to the report.

That Housing Committee approves and recommends to Policy & Resources Committee:

- 2.5 That the updated HRA Revenue Budget for 2023/24 as shown in section 4 of the main report and Appendix 1 to the report be agreed and recommended to Full Council for approval as amended.
- 2.6 Approve a capital programme of £57.791m for 2023/24 be agreed and the 5-year programme as set out in Appendix 3 as amended to the report be noted, and recommended to Full Council for approval; and

That Full Council:

- 2.7 Approves the updated HRA Revenue Budget for 2023/24 as shown in section 4 of the main report and Appendix 1 to the report as amended.
- 2.8 Approve a capital programme of £57.791m for 2023/24 and notes the 5-year programme as set out in Appendix 3 as amended to the report.

61 ITEMS REFERRED FOR FULL COUNCIL

61.1 There were none from this meeting.

62 PART TWO PROCEEDINGS

62.1 There were none from this meeting.

The meeting concluded at 7.55pm

Signed

Chair

Dated this

day of