

**DEPUTATIONS FROM MEMBERS OF THE PUBLIC**

A period of not more than fifteen minutes shall be allowed at each ordinary meeting of the Committee for the hearing of deputations from members of the public. Each deputation may be heard for a maximum of five minutes following which, the Chair will speak in response.

Notification of 1 Deputation has been received. The spokesperson is entitled to speak for 5 minutes.

- (a) Deputation: A call for a review of procedures for mutual exchanges in Brighton & Hove.**

**Spokesperson – Barry Hughes**

**Central Area Housing Panel Representatives to Housing and New Homes Committee 20<sup>th</sup> September 2017.**

Supported by:  
Martin Cunningham  
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**Deputation: Central Area Housing Panel Representatives to Housing and New Homes Committee 20<sup>th</sup> September 2017. A call for a review of procedures for mutual exchanges in Brighton & Hove.**

At the Central Area Resident Only Meeting held on 10th August a number of concerns were raised about the present procedures for mutual exchanges as conducted by B&HCC, and it was agreed that it was desirable that there should be a review of these processes in consultation with residents.

The following points were made:

1. 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.
2. 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.
3. If out-going residents are in breach of their tenancy agreement then the exchange should not be allowed to go ahead.
4. Money owed by out-going tenants should be pursued, even if the individuals are no longer council tenants.

We would ask that the Housing and New Homes Committee instigate a review whereby the mutual exchange process, as it affects Brighton & Hove City Council properties, should incorporate an inspection process that truly ensures that the property inspected meets the Council's lettable home standard. If this standard is not met, or if there are breaches of the tenancy agreement, then the exchange should not be allowed to proceed.

We would also ask that the Housing Income Management Team should not only seek to recover arrears of rent but should also pursue recharges of other items, such as restoring properties to a liveable standard – whether "someone is still a tenant or not."

Thank you for listening.

## **Supplementary information regarding Mutual Exchanges.**

Following the debate at the Resident Only Meeting it was agreed to put this item forward for discussion at the next Area Panel and at the Central Area Panel on 6<sup>th</sup> September Angela Barkby, Rehousing Officer tabled the following response to our concerns.

“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 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. 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 a tenant or not.”

The voting representatives present at the Area Panel welcomed the response but noted that there is a contradiction between what the Rehousing Officer has said and experience on the ground. The council website and literature continues to point out, “remember that you could be taking on someone else’s tenancy so think about whether you can live in the property as it is when you view it.”

Representatives are also concerned that other Housing Officers are on record as saying that there is “No lettable standard for mutual exchanges” and that this is not fitting for an authority that claims that its properties meet the Brighton and Hove standard.

The mutual exchange process allows 42 working days for inspections to be carried out and this would seem to be sufficient time for those charged with carrying out the inspections to ensure that the terms of the tenancy agreement have not been breached. Recent direct experience would indicate that these inspections are not as rigorous or as thorough as we are led to believe.

Elsewhere, other local authorities are very clear that they will not let a mutual exchange go ahead if there are breaches of the tenancy agreement and they are supported in this by the Localism Act 2011, Schedule 14, “Grounds on which landlord may refuse to surrender and grant tenancies under section 158.” Ground 2 states, “This ground is that an obligation under one of the existing tenancies has been broken or not performed.”

