





**Brighton & Hove  
City Council**

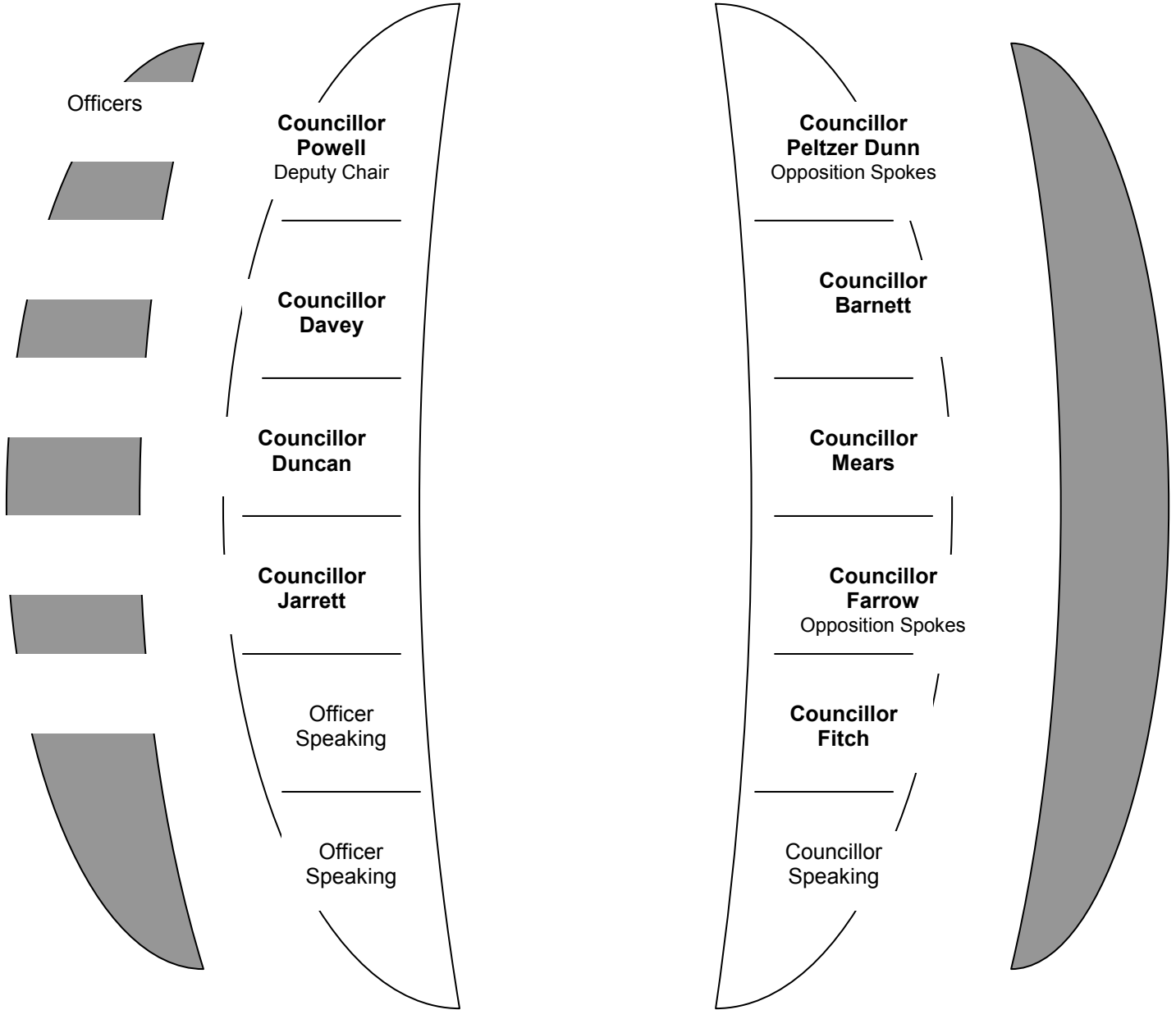
# Housing Committee

Title:	<b>Housing Committee</b>
Date:	<b>26 September 2012</b>
Time:	<b>4.00pm</b>
Venue	<b>Council Chamber, Hove Town Hall</b>
Members:	<b>Councillors:</b> Wakefield (Chair), Powell (Deputy Chair), Peltzer Dunn (Opposition Spokesperson), Farrow (Opposition Spokesperson), Barnett, Davey, Duncan, Fitch, Jarrett and Mears
Contact:	<b>Lisa Johnson</b> Senior Democratic Services Officer 01273 291228 lisa.johnson@brighton-hove.gov.uk

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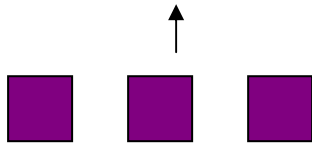
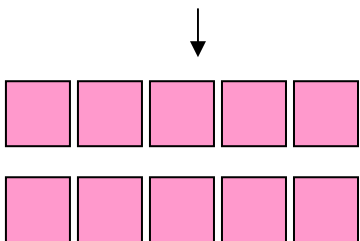
# Democratic Services: Housing Committee

Head of Housing & Social Inclusion	Lead Commissioner Housing	<b>Councillor Wakefield</b> Chair	Strategic Director Place	Lawyer	Democratic Services Officer
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Public Speaker	Public Speaker
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Public Seating



Press

AGENDA

PART ONE

Page

12. PROCEDURAL BUSINESS

(a) **Declaration of Substitutes** - Where Councillors are unable to attend a meeting, a substitute Member from the same Political Group may attend, speak and vote in their place for that meeting.

(b) **Declarations of Interest** – Statements by all Members present of any personal interests in matters on the agenda, outlining the nature of any interest and whether the Members regard the interest as prejudicial under the terms of the Code of Conduct.

(c) **Exclusion of Press and Public** - To consider whether, in view of the nature of the business to be transacted, or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

*NOTE: Any item appearing in Part Two of the Agenda states in its heading the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the public.*

*A list and description of the exempt categories is available for public inspection at Brighton and Hove Town Halls.*

13. CHAIR'S COMMUNICATIONS

14. MINUTES

1 - 8

Minutes of the Housing Committee meeting held on 20 June 2012 (copy attached).

Contact Officer: Lisa Johnson

Tel: 01273 291228

15. MINUTES OF THE HOUSING MANAGEMENT CONSULTATIVE SUB-COMMITTEE

9 - 18

Minutes of the Housing Management Consultative Sub-Committee held on 4 September 2012 (copy attached - for information only)

Contact Officer: Lisa Johnson Tel: 01273 291228

16. CALL OVER

17. PUBLIC INVOLVEMENT

19 - 20

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



## HOUSING COMMITTEE

### 23. ITEMS REFERRED FOR COUNCIL

To consider items to be submitted to the 25 October 2012 Full Council meeting for information.

*In accordance with Procedure Rule 24.3a, the Committee may determine that any item is to be included in its report to Council. In addition, each minority Group may specify one further item to be included by notifying the Chief Executive no later than 10.00 am on the eighth working day before the Council meeting to which the report is to be made), or if the Committee meeting takes place after this deadline, immediately at the conclusion of the Committee meeting.*

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The closing date for receipt of public questions and deputations for the next meeting is 12 noon on the fifth working day before the meeting.

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Meeting papers can be provided, on request, in large print, in Braille, on audio tape or on disc, or translated into any other language as requested.

For further details and general enquiries about this meeting contact Lisa Johnson, (01273 291228, email [lisa.johnson@brighton-hove.gov.uk](mailto:lisa.johnson@brighton-hove.gov.uk)) or email [democratic.services@brighton-hove.gov.uk](mailto:democratic.services@brighton-hove.gov.uk)

Date of Publication - Tuesday, 18 September 2012



**BRIGHTON & HOVE CITY COUNCIL**

**HOUSING COMMITTEE**

**4.00pm 20 JUNE 2012**

**COUNCIL CHAMBER, HOVE TOWN HALL**

**MINUTES**

**Present:** Councillor Wakefield (Chair), Powell (Deputy Chair), Peltzer Dunn (Opposition Spokesperson), Davey, Farrow (Spokesperson), Jarrett, Mears, Mitchell and Phillips

**PART ONE**

**1. PROCEDURAL BUSINESS**

**1A Declarations of Substitute Members**

1.1 Councillor Mitchell declared that she was attending as a substitute for Councillor Fitch.

**1B Declarations of Interests**

1.2 Councillor Wakefield declared a Personal and Prejudicial interest in Item 9, due to her role as a board member of Brighton & Hove Seaside Community Homes. Councillor Wakefield said she would leave the chamber during consideration of that item and Councillor Powell would take the Chair.

**1C Exclusion of the Press and Public**

1.3 In accordance with section 100A(4) of the Local Government Act 1972, it was considered whether the press and public should be excluded from the meeting during the consideration of any items contained in the agenda, having regard to the nature of the business to be transacted and the nature of the proceedings and the likelihood as to whether, if members of the press and public were present, there would be disclosure to them of confidential or exempt information as defined in section 100I (1) of the said Act.

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

**2. MINUTES**

2.1 The Chair confirmed that the Minutes were on the agenda for the Committee's information only, but asked if the Members had any comments. Councillor Farrow referred to paragraph 98 and asked if an update on the adequacy of the £80k could be

provided at each meeting. Councillor Wakefield said she would pass the matter to officers and ask them to provide a report on the feasibility of providing that information.

- 2.2 **RESOLVED** – That the minutes of the Housing Cabinet Member Meeting held on 18 April 2012 be approved.

### 3. CHAIR'S COMMUNICATIONS

- 3.1 The Chair advised the Committee that the Council wanted to deliver well regulated, affordable and energy efficient homes, well managed council homes and to target the services to those in need.

#### Housing Summit

- 3.2 The Chair reported that the Council were holding a Housing Summit on 29th June 2012. All Housing Committee members had been invited. This high level Summit would look at the challenges the council faced in delivering affordable housing in Brighton & Hove. Key themes included:

- What are our Housing Needs and key challenges, what type of housing do we need going forward?
- How can we maximise new housing supply in Brighton & Hove?

- 3.3 The Chair invited Members to share in the latest thinking from sector experts, including Terry Fuller, Regional Director of the HCA, explore best practice and maximise networking opportunities.

#### 2011 – 2014 Affordable Housing Development Programme

- 3.4 The Chair reported that Registered Provider (Housing Association) programme supported by Homes & Communities Agency & Council included 515 new affordable homes on 19 sites across the City in the development pipeline 2011 – 14, including recent Planning permissions such as Brighton Station site J (53 new affordable homes) & Park House (29 new affordable homes).

#### Brighton & Hove Seaside & Community Homes:

- 3.5 The Chair reported that leasing of empty Council homes requiring refurbishment on a 40 year lease from the Council to Seaside was proceeding apace. The Council were ahead of schedule. The first batch of properties were leased to Seaside on the 1<sup>st</sup> November with a second batch leased on the 1<sup>st</sup> February and a third batch leased on 30<sup>th</sup> March. Batch 4 was leased on the 1st June
- A total of 186 properties including batch 4 had now been leased to Seaside as of the 1st June 2012.
  - The Council was approaching its 100<sup>th</sup> refurbished home brought back into use through leasing to BHSCH.

The Chair confirmed that both she, and Councillor Fitch, were board members of Brighton & Hove Seaside Community Homes.

### 4. PUBLIC INVOLVEMENT



## (a) Petitions

4.1 The Committee noted that there were no petitions from members of the public.

## (b) Written Questions

4.2 The Committee noted that no written questions from members of the public had been submitted for the meeting.

## (c) Deputations

4.3 The Committee noted that no deputations from members of the public had been submitted for the meeting.

**5. ISSUES RAISED BY COUNCILLORS**

## (a) Petitions

5.1 The Committee noted that there were no petitions from councillors.

## (b) Written Questions

5.2 The Committee noted that no written questions from councillors had been submitted for the meeting.

## (c) Deputations

5.3 The Committee noted that no deputations from councillors had been submitted for the meeting.

**6. MINUTES OF THE HOUSING MANAGEMENT CONSULTATIVE SUB-COMMITTEE**

6.1 The Committee considered the minutes of the Housing Management Consultative Sub-Committee meeting held on the 29 May 2012.

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

**7. CONSTITUTIONAL MATTERS**

7.1 The Committee considered a report of the Monitoring Officer which provided information on the committee's terms of reference and related matters including the appointment of its Urgency Sub-Committee. The Committee were advised that paragraph 3.9 of the report which stated '*The Constitution states that each Committee of the Council except the Audit & Standards Committee may appoint an Urgency Sub-Committee to exercise its powers.*', should read '*must appoint*' rather than '*may appoint*'.

7.2 Councillor Peltzer Dunn asked if once member of a sub committee were appointed, whether substitutions were permitted. The lawyer advised that as membership of a sub committee was based on political groups it would be acceptable.

7.3 **RESOLVED –**

(1) That the committee's terms of reference, as set out in Appendix A to the report, be noted;

(2) That the establishment of a Housing Management Consultative Sub-Committee with the terms of reference as detailed in appendix B to the report be approved; and

(3) That the establishment of an Urgency Sub-Committee consisting of the Chair of the Committee and two other Members (nominated in accordance with the scheme for the allocation of seats for committees), to exercise its powers in relation to matters of urgency, on which it is necessary to make a decision before the next ordinary meeting of the Committee be approved.

**8. COMMITTEE WORK PROGRAMME & HORIZON SCAN OF ISSUES AHEAD**

8.1 The Committee received a PowerPoint presentation from the Strategic Director, Place, the Lead Commissioner Housing and the Head of Housing & Social Inclusion. The presentation set out the key issues and work programme priorities for the Council. A copy of the presentation was distributed at the meeting.

8.2 Councillor Farrow noted the number of new properties which it was suggested were needed and asked if there were adequate sites on which to build the homes, and whether it would be possible to hold workshops to look at the issues being suggested. Councillor Wakefield said that the forthcoming Housing Summit would be a good opportunity to look at the issues raised and agreed with the idea of holding workshops.

8.3 Councillor Peltzer Dunn said that it was important to look at what was within the Committee's control as some of the issues raised in the presentation were not. A number of dates had been given for when issues were hoped to be addressed, and suggested that it would be useful to have one date line for all the areas being covered.

8.4 Councillor Mears was concerned that the presentation made no reference to rough sleepers, families or regeneration, and had concerns over the issue of 'One Planet Living' and cited the recently built properties by the station which had no wheelchair access. Councillor Mears suggested that loft conversions should be looked at, as providing an extra room could allow families to stay together. Councillor Powell accepted there were issues with accessibility at that site, but said that the development had met many environmental issues.

8.5 Councillor Wakefield thanked the Strategic Director for the presentation and reminded the Committee that this was an overview of what was being looked at, and it would be for the Committee to put any of the ideas into practice.

- 8.6 Councillor Jarrett thanked the Strategic Director for providing the overview. With regard to loft conversions, there was evidence that many homes were already being converted and asked whether it was something the council needed to be involved in.
- 8.7 Councillor Wakefield said that there would be a small programme of loft conversions in council homes, and asked for a report on that to be brought to a future meeting of the committee.

**9. APPROPRIATION OF 243 AND 245 PRESTON ROAD BRIGHTON TO THE HOUSING REVENUE ACCOUNT**

- 9.1 Councillor Wakefield left the Chamber during consideration of the report and Councillor Powell took over as Chair.
- 9.2 The Committee considered a report of the Strategic Director Place which requested approval for the Policy and Resources Committee to appropriate the properties and land at 243 and 245 Preston Road from Policy & Resources to the Housing Revenue Account. The properties had been included in the Housing Revenue Account dwellings register but had never been formally transferred.
- 9.3 Councillor Davey asked for clarification on the number of dwellings at 243 and 245 Preston Road, and was advised there currently 15 units with shared facilities in the two properties and four bungalow units in their grounds. Planned refurbishment works would create 16 self contained units in the two main properties, but the bungalows might now be beyond reasonable repair. It had been modelled for Seaside's business plan that after refurbishment works the Housing Revenue Account would lease the 16 converted units and two of the bungalow units to Seaside Homes.
- 9.4 Councillor Peltzer Dunn asked if access would be granted to the properties and was advised that both the properties and the land would be transferred to the Housing

Revenue Account and individual units would then be leased to Brighton & Hove Seaside Community Homes. The Housing Revenue Account would retain the land at the rear of the properties, where it may be possible to develop some more council housing. Councillor Peltzer Dunn suggested that none of the bungalow units be leased to Seaside so the whole of the rear gardens could be redeveloped. Mr Hibberd, Head of Housing and Social Inclusion said that the Committee were being asked to recommend that Policy and Resources appropriate the whole site which would not preclude future developments.

- 9.5 **RESOLVED** -  
(1) That the Housing Committee recommends:

(i) That the Policy and Resources Committee agrees the appropriation of the 19 dwellings comprising 15 flats and four bungalow units and the land at 243 and 245 Preston Road, Brighton to the council's Housing Revenue Account.

(ii) That the Policy and Resources Committee notes the earlier Cabinet and Council decisions to lease dwellings at these properties to Brighton & Hove Seaside Community Homes as part of the LDV project in September and October 2008

## **10. ADDITIONAL LICENSING FOR HOUSES IN MULTIPLE OCCUPATION**

- 10.1 Councillor Wakefield returned to the Chamber and continued to Chair the meeting. The Committee considered a report of the Strategic Director Place which outlined proposals to licence smaller Houses in Multiple Occupation (HMO's) in five wards in the city, as a proportionate response to proactively improving property standards and management in that type of accommodation.
- 10.2 Councillor Farrow thanked the officers for the report and said that it was very important for the residents of the city that HMO's were managed correctly.
- 10.3 Councillor Mitchell thanked officers for the report. Councillor Mitchell asked what steps would be taken if landlords did not comply with the licence, asked how noise nuisance could be addressed in some properties and said that she had some concerns that the cost implications of the scheme could be passed onto tenants. Officers advised that enforcement action would be taken against landlords when necessary, but that the council wanted to be proactive and address issues before enforcement became necessary. Noise complaints could be addressed under the current legislation, but it was hoped that proper tenancy management would limit such nuisance. The fees were proportionate and had been set at a level which would limit the risk that a landlord would pass them on their tenants.
- 10.4 Councillor Mears thanked officers for the report. Councillor Mears was concerned that paragraph 1.3, which referred to the predicted increase to the city's population, did not particularly identify students and suggested that continued discussions be held with the universities. Councillor Wakefield confirmed that the council already worked very closely with the universities and an officer from the Housing Department was currently seconded to Brighton University.
- 10.5 Councillor Peltzer Dunn referred to the Financial Implications in the report and asked how the scheme would be funded if not all of the anticipated licences were applied for. Officers confirmed that it was important to be flexible and it might be necessary to front load the scheme. Councillor Peltzer Dunn referred to paragraph 3.8 of the report and asked if a report could be provided on whether there were plans to introduce additional licensing schemes. Officers advised that any additional licenses would have to be proportionate, and at present there were no plans to extend the scheme. Councillor Peltzer Dunn asked that if in future there were plans to extend the scheme whether it would need to be agreed by the Committee. The lawyer referred to the Housing Act 2004, and confirmed that there was a clear platform for introducing this issue and it would need to come back to the Committee.

- 10.6 Councillor Davey welcomed the report and felt that residents of the city would be pleased for the scheme to be put into practice.
- 10.7 Councillor Jarrett thanked officers for the report. The current system of licences for larger HMOs had not been shown to increase the rents and so it was not expected that this scheme would impact on rents.
- 10.8 Councillor Mears noted that some financial front loading might be necessary and was concerned that that could impact on an already restricted budget.
- 10.9 **RESOLVED –**
- (1) That the results of the consultation and evidence gathering exercise undertaken in relation to the proposed additional HMO Licensing Scheme as set out in this report and in Appendix 1, be noted.
- (2) That the wards of Hanover and Elm Grove, Moulsecoomb and Bevendean, St Peters and North Laine, Hollingdean & Stanmer and Queen's Park be designated as subject to additional licensing under S56(1) of the Housing Act 2004 in relation to smaller Houses in Multiple Occupation of two or more storeys and three or more occupiers. The designation comes into force from 5 November 2012 and will last for 5 years.
- (3) That the council's revised HMO standards (as set out in Appendix 2) be approved.
- (4) That the fee structure (as set out in sections 3.11-3.14) that will apply to additional HMO Licensing schemes for Houses in Multiple Occupation be approved.

## 11 DECENT HOMES & ADAPTATIONS

- 11.1 The Committee considered a report of the Strategic Director Place which set out proposed changes to the delivery of the council's Housing Investment Programme and the Brighton & Hove Standard in relation to properties where disabled adaptations had been carried out for the current tenant.
- 11.2 Councillor Farrow thanked officers for the report, and was pleased that the Notice of Motion which has been agreed at Council in March 2012 was being implemented.
- 11.3 Councillor Mears asked if a list of all the properties which had had a new kitchen or bathroom installed could be provided, and said that it would be helpful if the Committee could be provided with a brief update on what was expected in the Mears contract. Councillor Mears was aware that tenants in Essex Place had been informed that they would get new kitchens and had now been told that that would take place until 2016. Officers agreed to provide a list of those properties which had had work undertaken. Properties in Essex Place had been surveyed and some were found to pass the Decent Home standard.
- 11.4 Councillor Jarrett thanked officers for the report and was pleased that an anomaly had been resolved.

11.5 **RESOLVED -**

- (1) That a change be agreed to the Brighton & Hove Standard and the surveying process for Decent Homes whereby adaptations to the kitchen or bathroom carried out for the current tenant do not affect the eligibility of the property to have a replacement kitchen or bathroom installed.
- (2) That it is agreed that the HRA capital budget will fund this change by carrying out any additional installations through the existing kitchens and bathrooms budgets in 2012/13.
- (3) That it is agreed that that refurbishment works to those properties that have already been surveyed are phased over the financial years 2013/14 and 2014/15.
- (4) That it is agreed that a review of the Brighton & Hove Standard will be started 2012/13 for implementation after the planned achievement of decency in December 2013.

The meeting concluded at 5.50pm

Signed

Chair

Dated this

day of

**BRIGHTON & HOVE CITY COUNCIL**  
**HOUSING MANAGEMENT CONSULTATIVE SUB-COMMITTEE**

**3.00pm 4 SEPTEMBER 2012**

**COUNCIL CHAMBER, HOVE TOWN HALL**

**MINUTES**

**Present:** Councillor Wakefield (Chair); Councillor Peltzer Dunn (Opposition Spokesperson), Farrow, Jarrett, Duncan, Pidgeon, Robins and Mears

**Tenant Representatives** Keith Cohen ( North East Area Housing Management Panel), Roy Crowhurst (West Hove & Portslade Area Housing Management Panel), Barry Kent (Tenant Disability Network), David Murtagh (Brighton East Area Housing Management Panel) and John Melson (Hi Rise Action Group)

**PART ONE**

**9. PROCEDURAL BUSINESS**

**9A Declarations of Substitute Members**

9.1 Councillor Mears declared that she was attending as a substitute for Councillor Wells. Keith Cohen declared that he was attending as a substitute for Heather Hayes.

**9B Declarations of Interests**

9.2 There were none.

**9C Exclusion of the Press and Public**

9.3 In accordance with section 100A(4) of the Local Government Act 1972, it was considered whether the press and public should be excluded from the meeting during the consideration of any items contained in the agenda, having regard to the nature of the business to be transacted and the nature of the proceedings and the likelihood as to whether, if members of the press and public were present, there would be disclosure to them of confidential or exempt information as defined in section 100I (1) of the said Act.

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

**10. MINUTES**

**10.1 RESOLVED** – That the Minutes of the Housing Management Consultative Sub Committee held on 29 May 2012 be agreed and signed as correct record.

**11. CHAIR'S COMMUNICATIONS**

- 11.1 The Chair was pleased to announce that the Housing & Social Inclusion service has been awarded Keep Britain Tidy "Cleaner, Greener, Safer Neighbourhood" accreditation at initiator level. This followed a robust assessment process in the Moulsecomb, Bevendean, Coldean, Bates estate and Saunders Park Pilot area and reflects all the good work that had been done with tenants around 'rate your estate', grounds maintenance, and the estate development budget. The Service Improvement Team would now be working with residents on an ongoing Action Plan to work towards the next level of Accreditation.
- 11.2 Seaside Homes recently housed its 100<sup>th</sup> tenant, a 23 year old mother and her young family. 241 properties had now been leased as planned, with another batch due on the 1<sup>st</sup> October.
- 11.3 The seven low rise blocks on the Bristol estate had been completely refurbished. Not only did they look great but their thermal efficiency had been greatly improved with roofs and windows replaced.
- 11.4 The Financial Inclusion work was progressing with the new Inclusion Team now in place. The team included an in-house money advice caseworker to help tenants and leaseholders to look at different ways they could improve their financial situation. MACS (Money Advice and Community Support), a specialist voluntary sector money advice organisation, have been awarded the Money and Debt Advice Contract and will shortly commence outreach sessions to provide specialist casework support.
- 11.5 Officers had begun to contact tenants of 'working age' who would be affected by government changes to how their housing benefit was calculated from next April. Benefits staff had written to all tenants affected by the changes and housing staff had started to visit tenants to help explore the different options that were available to them.
- 11.6 More information on all of this good progress could be found in the next edition of Homing In along with photographs and feedback from residents, which would be sent out to tenant's homes this month.
- 11.7 The chair confirmed that it had just been announced that Mark Prisk would be the new Housing Minister in the Cabinet reshuffle.

**12. CALL-OVER**

- 12.1 A question was raised as to whether the meeting was quorate. It was noted that whilst all the councillors were present, only 5 of the 13 tenant representatives were in attendance. The solicitor to the meeting referred to Rule 21 of the Constitution, which stated that a meeting would be quorate providing one quarter of the number of voting members were present. As this had been satisfied it was therefore confirmed that the meeting could go ahead.
- 12.2 It was agreed that all items be reserved for debate and determination.

**13. PUBLIC INVOLVEMENT**



13.1 There were no petitions, written questions or deputations.

#### **14. ISSUES RAISED BY COUNCILLORS**

14.1 There were no petitions, written questions, letters or notices of motion from councillors.

#### **15. REPORT OF THE INNOVATION GROUP ON RESIDENT INVOLVEMENT**

15.1 The Committee considered a report of the Strategic Director Place on the work and final proposals of the Innovation Group on resident involvement. The report followed a report to the Housing Committee in April 2012 which had made the Committee aware of the draft Innovation Group report and the plans for further resident consultation on the proposals. The report updated the draft version following consultations which took place at the May 2012 City Assembly, meetings with individual residents and through Homing In magazine. The Chair thanked all those, residents and officers, who had been involved in preparing the report.

15.2 Appendix one to the report (pages 20-22 in the agenda) included a summary of the 36 main suggestions, and it was agreed that the Committee would comment on each of those suggestions.

15.3 Councillor Peltzer Dunn noted that the report clarified that the term 'Resident' referred to both tenants and leaseholders, and he asked whether those who resided in a property but weren't a tenant or a leaseholder would be excluded. The Committee was reassured that it was not the intention to exclude anyone, and some tenant representatives and adult children who were not tenants or leaseholders had been involved in the consultation. Alternative words/phrases had been considered. A number of alternative suggestions were put forward, including 'people living in council properties', 'households', and 'tenants and leaseholders and their households'.

15.4 The Committee considered Suggestion 1 (adopting a revised code of conduct). Mr Melson questioned the need for a revised code of conduct as there was already one in place. Mr Kent said that different groups had different codes of conduct and it was important that everyone used the same one. The Chair referred to page 10 of appendix one (page 23 in the agenda), and noted that 87% of the residents who commented on that issue were in favour of a change.

15.5 The Committee considered Suggestion 2 (reassessing the need for a Tenant Compact Monitoring Group (TCMG)). Councillor Mears asked why it was necessary to reassess the need for the TCMG, and asked for clarification of what would be different with Service Improvement Group. She also commented that many of the working groups she had set up should have been closed down by now, but they were still running. The Committee were advised that there had been recognition that the TCMG were not doing what was in their terms of reference and that the TCMG had acknowledged that they had found certain issues hard to deal with. Mr Kent stated that he had not attended the last few meetings of the TCMG because there were so many arguments within the group and there was concern that if they couldn't agree amongst themselves they wouldn't be able to help others. Mr Murtagh agreed and said that the TCMG had behaved appalling over the last two years.

- 15.6 The Committee considered Suggestion 3 (Tenant and Resident Associations). Councillor Farrow noted that all communities and estates were different and would need individual help. The Committee was advised that appropriate help and support would be offered to all Tenant and Resident Associations (TRA). Mr Cohen was concerned that some areas had no representatives and wondered who would be involved in the TRA. The Chair reassured the Committee that the intention was to have representatives on all TRA. Councillor Mears noted that the report stated that 62% of residents were satisfied with housing generally and that their views were listened to and acted on, and was concerned that they may therefore feel that was no need to be involved.
- 15.7 The Committee considered Suggestion 4 (CRB checks). Councillor Farrow asked for clarification on when a CRB check would be needed and how it would be operated. Councillor Mears also asked in what circumstances it would be needed and was concerned over funding as she did not think that HRA should pay for it. The Committee was advised that the suggestion had come from residents. Some of the groups had discussed the possibility of holding homework or sports clubs etc. The council would offer support where necessary. Mr Murtagh suggested that there would a number of ways to generate additional funding such as coffee mornings, and the council would not be expected to fund it all. Mr Melson asked what would happen if someone failed a CRB check and did not think it should be the responsibility of residents.
- 15.8 The Committee considered Suggestion 5 (training for TRA chairs and other positions). Mr Crowhurst asked who would provide the training and who would monitor it. The Committee was advised that the training would be monitored as it was now, with feedback from those who undertook it. The training would be provided at the Resource Centre as it was now, but it was also hoped to use other organisations such as City College, or voluntary sector groups. Councillor Farrow suggested it would be useful to provide training in the evenings or weekends as well as during the day, and also that training for Secretary's and Treasurer's be provided. Mr Kent said that some residents may have difficulty with literacy and support for them would be useful. The Committee was advised that there was a range of training which it was hoped to provide, and that the council was already discussing with trade unions and others to look at providing literacy training at the learning centre in Moulsecoomb.
- 15.9 The Committee considered Suggestion 6 (establishment of a separate body to deal with code of conduct breaches). Mr Melson said it would be important to have a balance, and not to return to the old system.
- 15.10 The Committee considered Suggestions 7-13 (Tenant and Resident Associations). Councillor Mears noted there was reference to 'compulsory' training and asked who would police the training and whether anyone had spoken to the Resource Centre. The Committee was advised that conversations had been held with the Resource Centre, and there was an appreciation that the Resource Centre would prefer that people were not compelled to undergo training. The wording could be changed to 'highly recommended' or 'core training'. It was not the case that people would be forced to undertake training, but the council wanted to encourage as many people as possible to do it. Mr Kent felt training would be very useful but it should not be compulsory. Councillor Farrow referred to suggestion 11 (keeping a list of TRA members), and said that all tenants should already be part of associations. All residents should be given equal information and not just those who were active in the association. Councillor

Farrow referred to suggestion 12 (increasing TRA meetings that were tenant only), and said that new associations would need assistance if officers would not be present. Mr Melson said that officers should be present unless requested not to. Councillor Peltzer Dunn referred to suggestion 9 (annual impact assessment for TRAs), and the further information provided on page 54, and was concerned that it was far too detailed. Councillor Peltzer Dunn suggested that there be a two year rather than an annual impact assessment for the TRAs. Councillor Robins referred to suggestion 12 and thought that it could be advantageous for the TRAs not to always have an officer present. The Committee was advised that suggestion 11 had come from residents, but could be removed. With regard to suggestion 12, if an officer were requested they could attend. Resident Associations could meet whenever they wanted and resident feedback was that it would sometimes be useful not to have an officer present. As much support as possible would be provided, but it would not always be possible to have an officer available to attend all meetings. It was agreed that some organisations' examples of annual impact assessments were detailed, and some more simple mechanisms could be introduced, but it was necessary to look at the cost effectiveness and impact of resident involvement.

15.11 The Committee considered Suggestions 14-17 (Area Panels). Councillor Mears said that it appeared that Area Panels were no longer important, and asked whether the cost of running them was an issue. The Committee was reassured that Area Panels were important and their views had been taken into account. The cost of holding each round of Area Panels was around £1,800, with each round of Blue Pages costing around an additional £2,000. It was important to look at the best use of money. Councillor Mears stated that Area Panels were for tenants and were paid for out of tenant rents. Housing Management was about performance and the suggestions in this report seemed to be silencing tenants. The Chair confirmed that that was not the case. The Head of Housing & Social Inclusion reminded the Committee that this report had come from tenant's suggestions. The whole motivation for the report was to give tenants a voice and support their involvement. Mr Melson stated that the only voice tenants had was when they had Blue Pages and that Area Panels were useful. Mr Melson asked for a breakdown of the cost of preparing this report. In response to this, additional information was circulated comparing the costs of running the Innovation Group with those for running the Tenant Compact Monitoring Group (TCMG). The Committee was informed that costs considered were eg room hire, refreshments and travel; and totalled £339 for the Innovation group and £1,534 for TCMG. Also that when the figures were averaged out per meeting, the former was £24 and the latter was £220. Mr Melson commented that he did not mean the cost of holding the innovation group meetings but the cost of preparing the actual report. It was confirmed that there would be no budget pressure from preparing this report as it was the core work of the department to bring reports to meetings.

15.12 Suggestion 18 related to Tenant Scrutiny Panel and would be covered in more detail in Item 16 on the agenda.

15.13 The Committee considered Suggestions 19-26 (resident involvement framework and working groups and the involvement of young people)). Councillor Peltzer Dunn noted the reference to 'young people' and asked if that meant those under 18. It was confirmed that it referred to young tenants aged 18-30. Councillors Farrow and Peltzer Dunn both referred to suggestion 26 and suggested that the percentage earmarked should be confirmed. Mr Crowhurst said that the Estate Development Budget (EDB) was a finite

budget for the whole city and there could be other ways to raise money. The Committee was advised that this suggestion had come from residents who wanted to include everyone. It was important to hear from younger people about, for example, what they wanted on their estate. Councillor Duncan said that this report had been looked at a number of times and it wasn't for councillors to pick apart what tenants had asked for. Residents had been asked what they wanted the money spent on and they had said that they wanted to help the whole community to be engaged. Councillor Mears replied that a lot of these issues had not been looked at before. This was Housing Management and it was important to ensure that funds were not used by other council departments.

- 15.14 The Committee considered Suggestions 27-31 (the menu of involvement, communications and social media and the funding of resident involvement). Councillor Farrow referred to suggestion 29 and said that there were different size associations and it might be better to allocate money to an area. The Committee was advised that it was a suggestion that each application be capped at £1,000. All associations could complete an application. There would be a cut off date for submission of applications, and it would not be on a first come first served basis. Resident Involvement Officers would support associations. Councillor Peltzer Dunn asked what the budget would be, and was advised it is £26,250. Councillor Peltzer Dunn thought the wording suggested that there would be a limit to one application per TRA and might be confusing. Councillor Robins thought it was clear that there would be no limit to the number of applications any association could submit, but that any application would be limited to £1,000. Councillor Mears referred to Appendix 3 (page 67 on agenda), and said that a restructure would be costly and would be a misuse of tenants rent. If the Strategic Director was looking at a restructure, why was tenants' rents being used. The Committee was advised that Appendix 3 was not a restructure of staff, but a new way of resident involvement and there would no additional cost involved. Councillor Mears said she would like to see a breakdown of the current budget and the costings alongside the new structure in Appendix 3. The Chair confirmed that it was important to know how effective and useful resident involvement is, and to ensure value for money was being achieved.
- 15.15 The Committee considered Suggestions 32-36 (resident training and annual impact assessments). Councillor Farrow referred to suggestion 33 and said that it would be good to hold workshops and particularly useful if all the TRAs attended together. Mr Crowhurst referred to suggestion 36 and asked how the assessments would be done and what the cost implications would be. Councillor Jarrett said that financial issues should be for the Housing Committee and not for this meeting.
- 15.16 Councillor Peltzer Dunn noted an inconsistency with information relating to a meeting of the Tenant Scrutiny Panel on pages 72 and 105 of the report. On page 72 it says a meeting would be quorate with 6 people and on page 105 it would be 7 people. Councillor Peltzer Dunn also noted that page 72 stated that 'inquorate meetings should be noted and decisions ratified at the next quorate meeting'. It was agreed that it should read '*any discussion at an inquorate meeting should be noted and considered at the next quorate meeting*'.
- 15.17 The Committee had been asked to endorse this report, and it would then be considered by the Housing Committee. However, following the comments made at this meeting it was agreed that an action plan be produced covering the issues raised, and that the report

together with the aforementioned action plan would come to the next meeting of the Housing Management Consultative Sub Committee.

- 15.18 **RESOLVED** – That the report of the Innovation Group on Resident Involvement, together with an action plan following comments made at this meeting, be considered at the meeting of the Housing Management Consultative Sub Committee on 23 October 2012.

## 16. TENANT SCRUTINY

- 16.1 The Committee considered a report of the Strategic Director Place, on the creation of a Tenant Scrutiny Panel (TSP). The report set out the model for the introduction of a TSP in Brighton and Hove.
- 16.2 Councillor Mears noted that recommendations of the TSP would be presented to the Housing Committee, and asked if it could also be presented to Housing Management Consultative Sub Committee (HMCSC) for information. Councillor Mears was concerned that the creation of a TSP would devalue the role of the HMCSC, and asked if the long term plan was to get rid of the Committee altogether. The Chair assured the Committee that there was no intention to remove the HMCSC. Officers referred Councillor Mears to paragraph 5.6 of the report which stated that all recommendations of the TSP would be presented to the Housing Committee and then the responses of that Committee would then be reported to the HMCSC. Officers explained that TSP would make recommendations directly to the Council's Housing Committee rather than formally via HMCSC. This was because HMCSC and Housing Committee had an overlapping membership, and it was a fundamental principle of scrutiny that the body responding to scrutiny recommendations should be discrete from the body making those recommendations (i.e. that members should not sit on both bodies). However, this formal reporting pathway aside, it was intended that the TSP and HMCSC should be close and mutually supportive partners.
- 16.3 Mr Crowhurst asked if the TSP would be able to make any decisions themselves. Officers confirmed that the TSP could only make recommendations.
- 16.4 Mr Kent was concerned over the role of the HMCSC, previously it had been a full Committee and now it was a 'sub' Committee with no powers and asked why it had been changed. Mr Kent was advised that the council had agreed to move from a Cabinet system to a Committee system, and so this Committee was now part of the Housing Committee. The change had been agreed by Full Council.
- 16.5 Mr Melson was concerned that if tenants were conducting the scrutiny there was a possibility that it could become adversarial. Officers reassured Mr Melson that a panel would need to be very clear about why it was being held, and confirmed that scrutiny officers would offer support to the TSP.
- 16.6 Councillor Robins thanked officers for the report and thought the introduction of a TSP was a positive thing, and encouraged everyone to support it. Councillor Robins asked if the Chair of the Panel would be independent. Officers said that the plan was to have an independent mentor who would be able to support the panel.

16.7 Councillor Peltzer Dunn agreed with the comments of Councillor Robins. Councillor Peltzer Dunn referred to the report and suggested the wording of paragraphs 5.3 and 5.6 be looked at, as they appeared to contradict each other. Councillor Peltzer Dunn noted that paragraph 1.2 stated that the report had 'been' presented to HMCSC on 4 September. The report on the Innovation Group, which recommended the creation of the TSP, had not yet been endorsed by the HMCSC and so the wording of that paragraph was misleading.

16.8 Mr Crowhurst asked if a TSP requested information, officers would be compelled to provide it. It was confirmed they would, subject to the usual scrutiny 'access to information' regulations.

#### 16.9 **RESOLVED**

(1) That the Housing Management Consultative Sub Committee noted the report.

(2) That the comments of the Housing Management Consultative Sub Committee be taken into consideration.

#### 17. **HOUSING & SOCIAL INCLUSION PERFORMANCE REPORT QUARTER 4 2011/12**

17.1 The Committee considered the report of the Head of Housing & Social Inclusion.

17.2 Councillor Farrow referred to Appendix One of the report and noted with concern that there were two properties that had remained empty for a long period of time; one for 1488 days and one for 4022 days. Officers advised that those properties needed extensive work, and there had previously been insufficient resources available to do that. There were now plans in place for all empty properties.

17.3 Councillor Mears asked how many solar panels had been installed on council properties. Officers did not have that information available at the meeting, but were able to confirm that solar panels had been fitted to 7 blocks on the Bristol Estate and to 20 properties at the end of last year. The government had changed the tariff for solar panels earlier this year, and it had therefore been necessary to review the installation of them. Councillor Mears said that the current administration had delayed the installation of panels prior to the government's announcement and had therefore missed the boat on feed in tariffs. Councillor Jarrett said that the government's plans had not been known prior to their announcement, and this administration and the previous one had both therefore 'missed the boat'. The current administration had been looking very carefully at energy efficiency, and in particular thermal efficiency.

17.4 Councillor Mears noted the percentage of secure council tenants being served a Notice of Seeking Possession for rent arrears had increased, and accepted this was most likely due to the economic situation. Councillor Mears asked if information on what was being done to reduce this number, and arrears generally, could be addressed at a future meeting.

17.5 With regard to paragraph 3.9.1 and the content and presentation of future performance reports, Councillor Mears suggested indicators that show other local authorities' quartiles; information on what is being done to reduce management costs; area breakdown data for rent arrears performance as had been provided in previous reports; and for the end of year report to give performance from the previous year end for comparison purposes. The Chair agreed that that would be useful.

- 17.6 Councillor Peltzer Dunn commented upon the performance indicators in paragraph 3.5 regarding repairs completed on time, and asked how this figure related to the cancelled repairs jobs referred to in paragraph 3.5.1. He said he was happy for a written response. Officers agreed to provide that information. The Chair asked if that information could be provided for all the HMCSC members.
- 17.7 Mr Kent referred back to solar panels and questioned why some of those that had been installed had been fitted to west facing properties and not just south facing ones, which he understood was the appropriate direction. Councillor Jarrett said the west facing properties would get sunlight from 11 am and so were acceptable.
- 17.8 Councillor Farrow asked if officers could look into installing solar panels for the provision of hot water. Officers confirmed that a Solar Thermal had already been installed in one location, and would be happy to provide further information on the matter.
- 17.9 Councillor Farrow suggested it would be useful if future reports could give more information on those properties which had been empty for a long period of time.
- 17.10 **RESOLVED** That the Housing Management Consultative Sub Committees comments and feedback on the report be noted.

The meeting concluded at 8.00pm

Signed

Chair

Dated this      day of





<b>HOUSING COMMITTEE</b>	<b>Agenda Item 17</b>  Brighton & Hove City Council
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## **Deputation**

Main Speaker – Ms M Binder

### Deputies

Ms M Binder

Mr B Kent

Ms L Fitzroyle

Mr C Kift

Ms N Newman

Mr J Burnett

We have brought this deputation to ask the Committee to consider the implementation of essential adaptations, such as access ramps and other adaptations necessary to enable individuals within Brighton & Hove to live independent, self-determining lives.

We feel that a more proactive approach once the original application and resultant assessment has taken place would greatly facilitate a far speedier delivery of the appropriate adaptations where needed. This would also require an awareness and differentiation between long term and deteriorating illnesses and disabilities. End-users are not provided with a clear explanation of the process an application for adaptations undergoes and requests for clarification regarding this process are at best met with partial responses. The process does not appear to be aware of the detrimental effect that an elongated process has on the end users.

Our current experience is that there is no on-going communication between the end users and providers of the various adaptations. This can lead to applications getting caught up in the system.

We would ask that the committee, when considering our deputation, bear in mind that delay in the provision of essential adaptations can have a detrimental effect on the general health and wellbeing of disabled individuals as well as impact negatively on their ability to maintain independence. In addition there can be an increased financial burden on candidates for essential adaptations such as access ramps where equipment such as wheelchairs, both manual and power assisted, may require increased maintenance and repair costs when they are required to operate in a non-adapted and therefore more harmful environment.

## **Legislation and guide lines**

The Human Rights Act 1998 (HRA) itself does not provide a human right to the provision of an adapted home; the provision of any home at all is not within the HRA. The HRA however does entitle individuals to a respect for their home and for respect for their private lives in the enjoyment of it. A social housing provider may in some circumstances become obliged to address difficulties that arise for particular residents which prevent them from enjoying their homes. The HRA is significant in specific in relation to the length of time it may take for the provision of adaptations to a home where these are statutory or regulatory obligations.

There is provision within the Equality Act 2010 that puts the duty to make reasonable adjustments on, amongst others, the local authority; in specific with regards to adaptations where a physical feature puts a disabled person at a substantial disadvantage in comparison with persons who are not disabled, to take such steps as is reasonable to avoid the disadvantage. Physical impairment makes taking part in normal daily activities difficult. This is greatly exacerbated where disabled individuals find themselves living in a disabling environment. This substantial disadvantage is addressed by the provision of adaptations where applicable via the Disabled Facilities Grant (DFG).

The Department for Communities and Local Government published a good practice guide in June 2006 for the delivery of housing adaptations for Disabled People. This guide addresses an acceptable time frame for provision of adaptations dependent on the varying degrees of case priority. With the assumption of a 5 working day week the guide proposes that high priority cases should be completed in 16 weeks (80 working days) with a maximum target time of 52 weeks (260 working days) for the least urgent cases.

### **Recommendations:**

- Allocating a named individual who will be responsible for overseeing an application and maintaining regular contact with the applicant/end-user would greatly reduce these oversights, thereby reducing the backlog of applications in process.
- Bearing in mind the additional pressures and difficulties disabled individuals face in living independently, a more proactive engagement on the part of statutory service providers, would result in a far more effective process; essential steps in the process becoming less likely to stall as a result of having been overlooked.
- Being clear from the outset what process a given application has to undergo, there being a difference between various adaptations dependant on cost, form and location of the given adaptation would also significantly reduce the opportunity for stalling a process.  
Something as simple as a cover sheet attached to every application detailing the process, start and finish time, individual/department responsible in a linear progression schedule.
- A built in alert where an application is stalled could easily be incorporated into a database that charts all the current applications being processed by the various departments responsible.

<b>Subject:</b>	Update on the Implementation of the Additional Licensing Scheme for Houses in Multiple Occupation (HMO)		
<b>Date of Meeting:</b>	<b>26 September 2012</b>		
<b>Report of:</b>	<b>Strategic Director Place</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Martin Reid</b>	<b>Tel: 293321</b>
	<b>Email:</b>	<a href="mailto:Martin.reid@brighton-hove.gov.uk">Martin.reid@brighton-hove.gov.uk</a>	
<b>Ward(s) affected:</b>	Five wards: Hanover & Elm Grove, Moulsecoomb & Bevendean, St Peters & North Laine, Hollingdean & Stanmer and Queen's Park		

### FOR GENERAL RELEASE

#### 1. SUMMARY AND POLICY CONTEXT:

- 1.1 Housing Committee on 20 June 2012 designated the wards of Hanover and Elm Grove, Moulsecoomb and Bevendean, St Peters and North Laine, Hollingdean & Stanmer and Queen's Park as subject to additional licensing under S56(1) of the Housing Act 2004 in relation to smaller Houses in Multiple Occupation of two or more storeys and three or more occupiers. The designation comes into force from 5 November 2012 and will last for 5 years.
- 1.2 This paper updates Housing Committee on progress on preparation for implementation of additional licensing as requested by members at Housing Committee on 20 June 2012.
- 1.3 In addition to update on progress on preparation for implementation of additional licensing the report proposes the following minor amendments on fees and standards:-
  - that, in common with the fees that apply to the national mandatory licensing scheme, charities be granted free applications;
  - revisions to the shared kitchen sizes in the Standards for Houses in Multiple Occupation.

Standards relating to general application of HMO requirements applying to shared kitchen and wash basins in larger HMOs and shared houses are also clarified in the body of the report and appendix.

#### 2. RECOMMENDATIONS:

- 2.1 That Housing Committee notes the steps taken by the Private Sector Housing Team to prepare for implementation of the Additional Licensing Scheme in the five wards.
- 2.2 That Housing Committee approves that licence applicants that are registered charities be granted a free application.

- 2.3 That Housing Committee approves areas of clarification and revisions to the acceptable sizes for shared kitchens in the Brighton & Hove City Council Standards for Licensable Houses in Multiple Occupation as outlined in this report and in Appendix A.

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

#### **Details of the proposed Additional HMO Licensing Scheme**

- 3.1 An Additional HMO Licensing Scheme will be introduced for the following wards , Hanover and Elm Grove, Moulsecoomb and Bevendean, St Peters and North Laine, Hollingdean & Stanmer and Queen's Park for five years, from 5 November 2012.
- 3.2 Under additional licensing proposals landlords and managers of smaller HMOs would have to:
- Meet appropriate personal and professional standards of conduct
  - Upgrade poorer buildings to minimum health and safety standards including fire and electrical safety
  - Exercise appropriate management and supervision of the buildings to help reduce any adverse impact of HMOs on the neighbourhood
  - Meet council standards for licensable HMOs.
- 3.3 The scheme will be reviewed after two years of implementation to review progress against objectives.
- 3.4 The Additional HMO Licensing Scheme will apply to all HMOs of two or more storeys within which there is some sharing of facilities and which are occupied by three or more persons comprising two or more households in the five wards already outlined.
- 3.5 For the avoidance of doubt, the proposed additional licensing scheme does not apply to any HMO to which the national mandatory licensing scheme applies. Also, the proposed designation will not apply to any building which is a HMO as defined in S257 of the Housing Act 2004, relating to certain converted blocks of flats.
- 3.6 The fees for Additional Licensing agreed and approved by Housing Committee on 20 June 2012 have been set at a level that is reasonably expected will cover the costs of providing the service.
- 3.7 Under the national mandatory licensing scheme, registered charities are not charged for making an application. In the past six years the council has only received one application from a registered charity but, in the event that any are received under the Additional Licensing Scheme, it is recommended that, similarly, they are not charged a fee.
- 3.8 Following a period of consultation, Housing Committee on 20 June approved the council's revised HMO standards. Additional Licensing brings houses occupied by 3 and 4 people under HMO standards. Ongoing representations from landlords and managing agents have highlighted that kitchens in smaller houses may operate safely with a smaller size than the standards previously adopted. In response to these representations a further review of the adequacy of kitchen dimensions for each level of occupancy has been undertaken based on the supposition that not all sharers will cook at the same time. Following this review

it is recommended that the size requirements for a shared kitchen be reduced as outlined in Appendix A.

- 3.9 This further review of standards also highlighted an issue requiring clarification in relation to requirements for shared kitchens and for wash basins in units of living accommodation in some bedsit HMOs. Points of clarification are also detailed in Appendix A.

## **4. Implementation Plan**

### **4.1 Implementation Schedule & Management**

A project team involving key officers continues to have regular (weekly) oversight on key issues, tasks and progress, major tasks are detailed below.

### **4.2 Major tasks**

- **Publicising the Scheme**

The council has met statutory requirements in relation to notification of designation of the five wards in the report as subject to additional licensing.

Following a decision to designate an area for additional licensing, before the designation comes into force, the council must meet statutory notification requirements. This involves: publishing a notice of designation; placing copies of the notice on public notice boards in public buildings within the designated area and in the local press; informing people who made formal representations to the consultation; informing landlord organisations, tenant organisations, managing/estate/letting agent organisations and advice agencies known to be operating in the areas affected.

In line with statutory requirements the designation of the five wards as subject to additional licensing has been publicised by notification of the scheme in The Argus; The Leader, in three libraries and on Council & Private Sector Housing website.

In line with statutory requirements we have also publicised (through letters & email) the designation of the five wards as subject to additional licensing to those who were consulted on the proposals, including representatives of the following: the universities; student unions; landlord associations; letting agents; estate agents; residents associations; Local Action Teams; local advice centres including CAB, Disability Advice Centre & Age Concern; other local partners including business representatives; residents and businesses who sent in comments.

Since the designation was agreed at Housing Committee on 20 June 2012 we have received and responded to 26 early requests for pre-licensing inspections.

- **Additional Staffing & Training**

The Additional Licensing Scheme should be self-financing and break even at the end of the five year period, and therefore requires careful planning to ensure resources are clearly aligned to delivery. It is anticipated that a significant number of applications will be received in the first year of operation and it is therefore intended to resource the service flexibly in response to this demand.

Agreement has been given to recruit up to 3 full time, permanent Environmental Health Officers / Technical staff. Advertising on the Brighton & Hove City Council job website took place between 25 July and 15 August 2012. The EHO positions were also advertised in the Environmental Health News journal between 25 July and 15 August. Interviews of shortlisted candidates are currently underway.

- **Moving to Self-Serve On-line services including application and payment**

Support for the efficient processing of licence applications is key to avoid unnecessary delay to licence applicants.

To ensure implementation runs as smoothly as possible and to make best use of the existing support staff a Work Package has been authorised which will consist of 2 staff members who will be setting up an online application form and online letters and forms to automate the process as far as possible.

In addition to our current process for acceptance of licence payments under the current mandatory licensing scheme, in preparation for additional licensing we are also working toward implementation of an online payment module (ICON ServicePay) available on the council website through which we aim to enable Landlords to pay their licence fee directly online. We are also working on set up of a method for payments to be taken by card over the telephone in the interim.

#### 4.3 **Review**

As well as monthly, quarterly and yearly reports, progress will be measured against objectives at year 2 and year 4.

### 5. **COMMUNITY ENGAGEMENT AND CONSULTATION**

5.1 Full external and internal engagement and consultation has been completed as reported to Housing Committee on 20<sup>th</sup> June 2012.

5.2 Following representations from landlords and Managing Agents, the Private Sector Housing team has carried out a review of the sizes of kitchens in the Brighton and Hove Standards for Licensable Houses in Multiple Occupation and it is recommended that they are reduced as listed in Appendix A.

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

Financial Implications:

- 6.1 The cost of the proposed additional staffing in 2012/13 is £53k which will be funded from licence fee income. It is intended to monitor the number of applications closely and use existing resources where necessary in order to respond to demand.

*Finance Officer Consulted: Michelle Herrington Date: 31/08/12*

Legal Implications:

- 6.2 Paragraph 4.2 of the report summarises the post designation publicity requirements of the Housing Act 2004 and the Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006. The steps taken by the council satisfy those requirements.

*Lawyer Consulted: Name Liz Woodley Date: 24/08/12*

Equalities Implications:

- 6.3 A full equalities impact assessment has been undertaken was presented to Housing Committee on 20 June 2012. No negative consequences of additional licensing were identified.

Sustainability Implications:

- 6.4 Maintenance and improvement of existing housing stock is generally more sustainable than continued deterioration. Licensing of HMOs should improve standards for the residents in those homes and the liveability of residential areas more generally.

Crime & Disorder Implications:

- 6.5 Additional licensing will assist the Private Sector Housing team to have a better understanding of the problems in the five wards. This in turn should be helpful in addressing concerns about crime and disorder and in some cases additional licensing will help reduce the likelihood of neighbourhood nuisance.

Risk and Opportunity Management Implications:

- 6.6 The risks associated with the proposals in this report have been managed in compliance with the Council's risk management strategy and a full risk log was presented to Housing Committee on 20 June 2012

Public Health Implications:

- 6.7 Additional Licensing of smaller Homes in Multiple Occupation will have a positive effect on public health for residents as reported to Committee on 20 June 2012.

Corporate / Citywide Implications:

6.8 Additional Licensing will have a positive impact on residents in the five wards, particularly for those living in smaller HMOs. Experience with mandatory licensing suggests that additional licensing would have no significant adverse effect on property supply.

## **7. EVALUATION OF ANY ALTERNATIVE OPTION(S):**

7.1 A full evaluation of all alternative options was presented to Committee on 20 June 2012.

## **8. REASONS FOR REPORT RECOMMENDATIONS**

- 8.1 At its meeting on 20 June, Committee requested that an update implementation report be brought to its next meeting. This report seeks to meet that request.
- 8.2 The report also seeks to correct an anomaly concerning application fees payable by registered charities which would otherwise result in charities being exempt from fees for HMOs that are licensable under the national mandatory scheme but having to pay a fee for any smaller HMOs covered by the additional licensing scheme.
- 8.3 Following adoption of the revised Standards for Licensable HMOs at Housing Committee's last meeting, a number of representations were received asking for a review of shared kitchen sizes. The outcome of the review has resulted in the changes recommended in 2.3 above.
- 8.4 The Standards could currently be read as applying a lower standard to multiple-tenancy/bedsit HMOs than that applying to shared house HMOs. This is referred to in paragraph 3.9 and the revisions necessary to clarify the requirements are included in Appendix A.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

None

1.

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

1. None

### **Background Documents**

1. Housing Committee 20 June 2012: Proposed Additional Licensing Scheme for Houses in Multiple Occupation (HMO) & Amendment of Standards for Licensed HMOs.
2. Appendix A: Standards



## Appendix A - Standards

### Revisions to standards

In addition to update on progress on preparation for implementation of additional licensing the report proposes the following minor amendments on fees and standards:-

- that, in common with the fees that apply to the national mandatory licensing scheme, charities be granted free applications;
- revisions to the shared kitchen sizes in the Standards for Houses in Multiple Occupation.

Standards relating to general application of HMO requirements applying to shared kitchen and wash basins in larger HMOs and shared houses are also clarified in the body of the report and appendix.

The sizes for shared kitchens without dining facilities to be as follows:

Three and four people – 6.5 sq m

Five people – 7 sq m

Six people – 8.5 sq m

Seven people – 9 sq m

Eight people – 9.5 sq m

Nine people - 10 sq m

The sizes for shared kitchens with dining facilities in them to be as follows:

Three and four people – 11.5 sq m

Five people – 12 sq m

Six people – 13.5 sq m

Seven people – 14 sq m

Eight people – 14.5 sq m

Nine people - 15 sq m

That the Standards for Licensable HMOs be suitably amended as follows: -

by including in the Shared Bathroom sections of Part 2 that relate to 5 or more occupiers a sentence saying 'Plus, except where a sink is provided, 1 wash hand basin required where practicable in each unit of living accommodation' and;

by including at the end of the Kitchens section of Part 2 a sentence saying 'Where kitchens or kitchens with dining facilities in them are shared, the requirements are those listed for kitchens and kitchens with dining facilities in them in Part 1 – SHARED HOUSES of these Standards'.

Under The Housing Act 2004, a Local Housing Authority is able to set its own standards, including those for the size of a kitchen, in a licensable House in Multiple Occupation. Kitchen size should be based on the amount of facilities required for the number of people sharing it and the usable space available to manoeuvre around the kitchen without causing an accident in the process of cooking. The majority of licensable HMOs were originally built as family homes where it is common for one person to cook the family meal. In the case of a HMO, it is likely that a number of adults may wish to use the kitchen at the same time and so the kitchen needs to be of an adequate size to enable this.

The current sizes in the standards were set on the basis that original family living rooms were being turned into bedrooms and family homes are now accommodating 5, 6 and even 7 adults. The kitchens and dining areas in some were cramped. Additional Licensing brings in houses occupied by 3 and 4 people and representations from landlords and managing agents have highlighted that kitchens in smaller houses may operate safely with a smaller size than the standards previously adopted. A review of the adequacy of kitchen dimensions for each level of occupancy has been undertaken and it has been based on the supposition that not all sharers will cook at the same time. It is recommended that the size for a shared kitchen without dining facilities in it be reduced as follows:

Three people – From 7 sq m to 6.5 sq m

Four people – From 8 sq m to 6.5 sq m

Five people – From 9 sq m to 7 sq m

Six people – From 10 sq m to 8.5 sq m

Seven people – From 11 sq m to 9 sq m

Eight people – From 12 sq m to 9.5 sq m

Nine people - From 13 sq m to 10 sq m

For a shared kitchen with dining facilities in it the sizes to be reduced as follows:

Three people – From 12 sq m to 11.5 sq m

Four people – From 13 sq m to 11.5 sq m

Five people – From 14 sq m to 12 sq m

Six people – From 15 sq m to 13.5 sq m

Seven people – From 16 sq m to 14 sq m

Eight people – From 17 sq m to 14.5 sq m

Nine people - From 18 sq m to 15 sq m

This further review of standards also highlighted an issue requiring clarification in relation to requirements for shared kitchens and for wash basins in units of living accommodation. Points of clarification are detailed in Appendix A.

The proposed changes are shown in bold and underlined below.

## PART 2 – BEDSIT / NON-SELF CONTAINED UNITS

### Shared Bathrooms

<b>Amenity Standards in Relation to Number of Persons</b>	
Up to 4 occupiers	At least 1 bathroom and 1 WC (the bathroom and WC may be combined) Wash hand basin required in bathroom and in separate WC (if provided)
5 occupiers	1 bathroom AND 1 separate WC with wash hand basin (but the WC can be contained within a second bathroom) <b><u>Plus, except where a sink is provided, 1 wash hand basin required where practicable in each unit of living accommodation</u></b>
6 - 8 occupiers	2 bathrooms with 2 WCs and wash hand basins <b><u>Plus, except where a sink is provided, 1 wash hand basin required where practicable in each unit of living accommodation</u></b>
9 – 10 occupiers	2 bathrooms AND 2 separate WCs with wash hand basins (but one of the WCs can be contained within one of the bathrooms) <b><u>Plus, except where a sink is provided, 1 wash hand basin required where practicable in each unit of living accommodation</u></b>
11 -15 occupiers	3 bathrooms AND 3 separate WCs with wash hand basins (but two of the WCs can be contained within 2 of the bathrooms) <b><u>Plus, except where a sink is provided, 1 wash hand basin required where practicable in each unit of living accommodation</u></b>

### **Kitchens**

Where a unit of living accommodation contains kitchen facilities for the exclusive use of the individual household, & there are no other kitchen facilities available for that household, that unit should be provided with –

- (a) Adequate appliances & equipment for the cooking of food;
- (b) A sink with an adequate supply of cold (from rising main) & constant hot water;
- (c) A work top for the preparation of food;
- (d) Sufficient electrical sockets;
- (e) A cupboard for the storage of kitchen utensils & crockery;
- (f) A refrigerator;
- (g) A slip resistant, impervious and easily cleansable floor covering.

<b>FACILITY</b>	<b>MINIMUM STANDARD</b>	<b>EACH UNIT</b>
<b><i>a sink with an adequate supply of cold &amp; constant hot water;</i></b>	A fixed impervious sink with a drainer. It should be provided with an adequate and wholesome supply of cold water and a adequate supply of constant hot water	Per unit
<b><i>adequate appliances &amp; equipment for the cooking of food;</i></b>	A cooker with at least two rings with an oven and a grill. Rings should be at a height level with adjacent worktops.	Per unit
<b><i>sufficient electrical</i></b>	Points should be set at a	4 sockets (2 doubles)

<b>sockets;</b>	convenient height & safe position.	Additional dedicated sockets are required for a cooker & refrigerator.
<b>a work top for the preparation of food;</b>	The worktop should be secure, fixed & of an impervious material	Minimum size 600mm X 1000mm (in useable sections – do not include area underneath microwave or cooker)
<b>a cupboard for the storage of kitchen utensils &amp; crockery;</b>	Standard floor or wall mounted cupboard. The space below the sink unit is not acceptable to comply with this standard.	
<b>a refrigerator</b>	A standard refrigerator	A refrigerator with a minimum capacity of 0.15m <sup>3</sup>

**Where kitchens or kitchens with dining facilities in them are shared, the requirements are those listed for kitchens and kitchens with dining facilities in them in Part 1 – SHARED HOUSES of these Standards**

<b>Subject:</b>	<b>A Tenant Scrutiny Panel for Brighton &amp; Hove</b>		
<b>Date of Meeting:</b>	<b>Housing Committee 26 September 2012</b> Policy & Resources Committee 11 October 2012 Housing Management Consultative Sub-Committee 04 September 2012		
<b>Report of:</b>	<b>Strategic Director, Place</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Karen Amsden</b>	<b>Tel: 29-1084</b>
	<b>Email:</b>	<b>Karen.amsden@brighton-hove.gov.uk</b>	
<b>Ward(s) affected:</b>	<b>All</b>		

**FOR GENERAL RELEASE****1. SUMMARY AND POLICY CONTEXT:**

- 1.1 On 30<sup>th</sup> April 2012 Housing Management Consultative Committee (HMCC) noted the draft report from the Tenant Innovation Group which had been established to examine resident involvement in the city. This report included details on the creation of a Tenant Scrutiny Panel (TSP), information which was then presented to City Assembly on 19<sup>th</sup> May 2012.
- 1.2 Members of HMCC requested that a further report on resident involvement would be presented to Housing Management Consultative Sub-Committee (HMCSC). As a result, this report on Tenant Scrutiny has been presented to HMCSC on 4<sup>th</sup> September 2012 prior to coming to Housing Committee on 26<sup>th</sup> September 2012.
- 1.3 This report describes in greater detail the proposed model for the introduction of a TSP in Brighton & Hove, which forms part of the resident involvement framework in the city outlined above.
- 1.4 The report outlines how this Panel will work to meet the council's regulatory responsibilities as a social landlord and describes how the introduction of Tenant Scrutiny has been consulted upon.

**2. RECOMMENDATION:**

- 2.1 That Housing Committee recommends to Policy & Resources Committee that proposals in the report as outlined in paragraphs 2.3 and 2.4 below, are agreed.
- 2.2 That Policy & Resources Committee agrees to the establishment of a Tenant Scrutiny Panel in Brighton & Hove, with the terms of reference set out in Appendix A to this report with effect from December 2012.
- 2.3 That the Strategic Director, Place/Head of Housing & Social Inclusion be granted delegated powers to:

- (i) after consultation with the Chair of the Housing Committee and tenant representatives as he/she considers appropriate, appoint the selection panel for the appointment of Members of the Tenant Scrutiny Panel;
  - (ii) after consultation with the Monitoring Officer, the Chair of Housing Committee and relevant tenant representatives, agree the code of conduct that would apply to Members of the Tenant Scrutiny Panel;
  - (iii) take any steps necessary or incidental to the establishment and continued operation of the Tenant Scrutiny Panel, including the power to make transitional arrangements as he/she thinks fit.
- 2.4 That Policy & Resources Committee note that the role of the Overview & Scrutiny Committee, including the powers regarding scrutiny and call-in are not affected by these proposals although the existence of the Panel and its work will be a factor taken into account in deciding what issues the committee reviews.

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

- 3.1 Full Council agreed the council's corporate plan priorities in July of this year. Priority 3 of the plan relates to engaging people who live and work in the city. The third commitment within the priority is to,

*'Establish the new council housing tenant scrutiny panel giving tenants a stronger voice in the management of council housing'*

This report sets out a number of the policy drivers behind this commitment as well as the development work and consultation undertaken to date.

#### **National guidance on co-regulation**

- 3.2 A new regulatory framework for social housing came into effect from 1 April 2012. From that date the regulation of social housing passed to the Homes and Communities Agency (HCA) Regulation Committee. The new regulations require all registered social housing providers to meet relevant standards. Brighton & Hove City Council, like other local authority landlords, will need to meet the consumer standards which have been set in the following areas:

- Tenant involvement and empowerment
- Home
- Tenancy
- Neighbourhood and community

3.3 The new approach to regulation is built around 'co-regulation'. For local authorities this means robust self-regulation by councillors, whilst enabling tenants to assess the performance of their housing provider.<sup>1</sup>

3.4 The regulator, HCA, may then intervene in cases where a breach, or potential breach, of a consumer standard poses a risk of 'serious detriment' to tenants.<sup>2</sup>

3.5 A cornerstone of co-regulation is that:

*'Tenants should have the ability to scrutinise their provider's performance, identify areas for improvement and influence future delivery. Providers will also need to continue to support tenants in developing their skills and capacity so that engagement and scrutiny are effective.'*<sup>3</sup>

3.6 In order to meet the standard for involvement and empowerment, providers are expected to support:

*'...the formation and activities of tenant panels or equivalent groups and respond in a constructive and timely manner to them.'*<sup>4</sup>

### **What is a Tenant Scrutiny Panel?**

3.7 According to the Chartered Institute of Housing, this is:

*'...a group of tenants with the power to review information about their landlord's performance and make recommendations for improvement.'*<sup>5</sup>

3.8 Tenant scrutiny forms part of the council's corporate objectives. To achieve Priority 3 (Engaging people who live and work in the city) of the council's Corporate Plan, there is a commitment (for 2011/12) to:

*'Explore how, through Scrutiny, we can improve the council's engagement with council housing tenants'*<sup>6</sup>

3.9 Another outcome being sought is 'A more open and transparent council'. To achieve this, the organisation has stated that it will:

*'...promote the role of scrutiny and encourage people to participate in scrutiny reviews.'*<sup>7</sup>

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<sup>1</sup> TSA website

<sup>2</sup> ibid

<sup>3</sup> ibid

<sup>4</sup> ibid

<sup>5</sup> Housing Practice, CIH Briefing 19

<sup>6</sup> BHCC Corporate Plan [http://corporateplan.brighton-hove.gov.uk/sites/default/files/BHCC\\_Corporate\\_Plan\\_2011-2015.pdf](http://corporateplan.brighton-hove.gov.uk/sites/default/files/BHCC_Corporate_Plan_2011-2015.pdf)

<sup>7</sup> Ibid

## Innovation Group

- 3.10 Looking at the creation of a TSP in Brighton & Hove was a key component of the remit of the Innovation Group. This group was made up of longstanding involved residents, Cllr Wakefield (now the Chair of the Housing Committee), residents who were not currently involved and officers. The group had met since November 2011 to look at:

*'... ways that resident involvement could be widened to include as many residents who wished to contribute to their housing management service in ways that they preferred and to modernise the Council's approaches while strengthening support for tenant and resident associations (TRAs).'<sup>8</sup>*

- 3.11 Housing Management Consultative Committee received a report on 30.04.12, from the Innovation Group. Their report contained a section on its recommendations for establishing Tenant Scrutiny in Brighton & Hove. It was noted at this meeting that the proposals of the Group would be presented to City Assembly on 19.05.12, with further discussion at Area Panels during August 2012. This final report on the issue will be presented to Housing Management Consultative Sub-Committee on 04 September 2012.

## 4. Proposed model for tenant scrutiny in Brighton & Hove

- 4.1 The Innovation Group proposed the following set of principles for the establishment of the Panel:
1. A panel of twelve people
  2. Need different skills and experiences to sit on the panel
  3. Mix of one third existing elected tenant representatives and two thirds tenants who are not elected tenant representatives
  4. Representative of all tenants – e.g. mix of ages, ethnicities, etc
  5. An open day for people interested in being involved to come along and find out more about tenant scrutiny
  6. Informal recruitment process to the panel that is non intimidating, with selection taking place against some criteria
  7. Training and learning opportunities to be offered to all panel members - e.g. in research, working as a group, performance issues, gathering information and evidence
  8. The panel should move beyond consultation and engagement. It needs to exercise real power and drill down on issues to get a detailed picture, before making evidence-based recommendations
  9. Recommendations will be made to the Housing Committee, which will remain the ultimate decision maker
  10. The panel should be supported by the council's Scrutiny Team (independent, experienced and non-political), possibly with independent mentor for the first year or so.

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<sup>8</sup>Report to HMCC on the Innovation Group 30.04.12 [http://present.brighton-hove.gov.uk/Published/C00000163/M00003304/AI00027376/\\$20120420103404\\_002097\\_0007139\\_HMC\\_CReportofInnovationGroupFINAL2.doc.pdf](http://present.brighton-hove.gov.uk/Published/C00000163/M00003304/AI00027376/$20120420103404_002097_0007139_HMC_CReportofInnovationGroupFINAL2.doc.pdf)



11. Membership of the panel should be time-limited, with positions for 2 years, but 3 years for the first group
  12. Members of the panel should be replenished annually one third at a time following the initial tenure of approximately three years - or as required **(please note that following consultation principles 11 & 12 have been amended to work in practice as outlined in footnote below and in Section 5.2 of Appendix 1)**<sup>9</sup>
  13. The possibility of working collaboratively with other local housing providers to share learning and skills should be explored once the panel has been up and running for a while.<sup>10</sup>
- 4.2 These principles were included in the report of the Innovation Group which went to HMCC on 30<sup>th</sup> April 2012, which also contained the following information prepared by the council's Scrutiny Team:
- A short briefing on how Tenant Scrutiny could operate in Brighton & Hove
  - Draft Terms of Reference for the Tenant Scrutiny Panel (TSP)
  - Draft TSP Member Role Description
  - Draft TSP Application Form
- 4.3 The formation of the TSP will be developed in line with the principles developed by the Innovation Group. These findings of the Innovation Group have been presented to:
- Housing Management Consultative Committee on April 30<sup>th</sup> 2012
  - City Assembly on 19<sup>th</sup> May 2012
  - Housing Management Consultative Sub-Committee to be held on 4<sup>th</sup> September
- 4.4 Feedback on Tenant Scrutiny from the August round of Area Panels suggested a range of possibilities for publicising the recruitment to the TSP to all residents particularly those who might be harder to reach. Suggestions include the usual communication channels of Homing In and letters, as well as placing an article in the Friday Ad, in the Argus and in residents newsletters; a radio or television advert; bus or bus stop advertising; door-knocking; publicity to local community groups; and all staff commutations to residents they come into contact with. Ideas for where an awareness raising open day event should be held were Jubilee Library, Brighton Town Hall or the Brighton Centre. There could also be a stand at the next City Assembly depending on the dates. On the matter of whether the TSP would need an independent mentor, the feedback from Area Panels is that this is something that the panel can probably best decide for itself once it is set up.

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<sup>9</sup> Succession arrangements for the panel will be as follows: **'Membership of the panel should be time-limited, with the panel members being appointed initially for 3 years. Members of the panel will be then required to stand down, but can be re-appointed to the panel through the selection process. Members may not serve longer than six years.'**

<sup>10</sup> Report to HMCC on the Innovation Group 30.04.12 [http://present.brighton-hove.gov.uk/Published/C00000163/M00003304/AI00027376/\\$20120420103404\\_002097\\_0007139\\_HMCCReportofInnovationGroupFINAL2.doc.pdf](http://present.brighton-hove.gov.uk/Published/C00000163/M00003304/AI00027376/$20120420103404_002097_0007139_HMCCReportofInnovationGroupFINAL2.doc.pdf)

## **5. Operation of the Panel**

- 5.1 The development of Tenant Scrutiny by social landlords across the country is at a relatively early stage, with organisations learning from the experience of the nationally known co-regulation champions. Therefore the intention is not to be overly prescriptive about the workings of the Panel at this stage, especially prior to recruiting its members. However once the Panel has been established it will be expected to report annually to tenants and residents and agree an annual work plan.
- 5.2 The Scrutiny Team has produced an information pack for distribution to potential Panel Member recruits. It is contained in Appendix A of this report and provides further detail on the purpose and workings of the Panel.

### **Relationship between the Tenant Scrutiny Panel and the Housing Management Consultative Sub-Committee**

- 5.3 The role and function of the HMCSC will not be affected by these proposals for the Tenant Scrutiny Panel. From time to time, the HMCSC may refer matters to the Panel for consideration.

### **Relationship between the Tenant Scrutiny Panel and the Overview & Scrutiny Committee**

- 5.4 The work of the Tenant Scrutiny Panel will be a factor that the Overview & Scrutiny Committee takes into account when developing a work-programme. Beyond this however the powers of the Overview & Scrutiny Committee are not affected by these proposals.

### **Servicing the Tenant Scrutiny Panel**

- 5.5 The TSP will be supported in its establishment and operation by the Council's Scrutiny Team. This arrangement will enable the panel to operate independently from the council's housing service. The panel will be able to benefit from the Scrutiny Team's experience in carrying out challenging and constructive reviews of pressing issues.

### **Reporting arrangements for the Panel**

- 5.6 All recommendations of the TSP will be presented to the council's Housing Committee. This Committee will agree a response to the report and/or recommendations of the panel. The response of the Housing Committee, along with the original report of the TSP, will then be reported to Housing Management Consultative Sub-Committee.

### **How the Panel will differ from the HMCSC**

- 5.7 The table below highlights some of the key differences between the proposed Panel and HMCSC:

<b>Tenant Scrutiny Panel</b>	<b>HMCSC</b>
Reviews past performance and policies	Consulted on upcoming policies
Carries out in-depth research	Contributes their experience
Made up of a representative group	Represents the views of tenants as tenant representatives
Looks into a specific aspect of the service in detail	Looks at the breadth of the housing service

## **6. NEXT STEPS**

- 6.1 Policy & Resources Committee will then be asked to agree to the setting up of a Tenant Scrutiny Panel in Brighton & Hove, using the terms of reference set out in Appendix A to this report, from December 2012.

## **7. COMMUNITY ENGAGEMENT AND CONSULTATION**

- 7.1 Consultation on the proposed creation of a Tenant Scrutiny Panel has been carried out through the Innovation Group, at a special meeting of tenant association chairs and secretaries, at Area Panels and at the City Assembly.
- 7.2 The Scrutiny Team ran workshop on Tenant Scrutiny at the City Assembly on November 19<sup>th</sup> 2011 and then had an information stall at the City Assembly on 19th May 2012.
- 7.3 A community engagement and communication strategy is being developed for the establishment of the TSP. This has the following aims to:
- Use the profile of our residents and tenants to ensure that the panel is made up of a representative mix of residents
  - Use community engagement to communicate with hard to reach groups and encourage not currently involved residents to take part
  - Link the work of the TSP to the wider resident involvement framework for council housing, and other community engagement mechanisms such as Neighbourhood Councils
  - Consider how Social Media can be used to engage currently not involved tenants

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

### Financial Implications:

- 8.1 The costs of establishing and supporting the Tenant Scrutiny Panel will be approximately £17,000 per annum. These costs can be met from the HRA Resident Involvement budget, which had an increase in budget allocation for Tenant Scrutiny as part of the 2012/13 Housing Revenue Account (HRA) Budget setting process.

*Finance Officer Consulted: Susie Allen*

*Date: 12.09.2012*

### Legal Implications:

- 8.2 Under the Council's constitution, the power to establish standing working groups or consultative bodies is reserved to the Policy & Resources Committee.
- 8.3 The proposals in this report will assist the Council in complying with its duties under the new framework for social housing.

*Lawyer Consulted: Abraham Ghebre-Ghiorghis*

*Date: 08.08.2012*

Equalities Implications:

- 8.4 An Equality Impact Assessment is being carried out as part of the development of this project.

Sustainability Implications:

- 8.5 There are no sustainability implications arising from the report.

Crime & Disorder Implications:

- 8.6 There are no crime & disorder implications arising from the report.

Risk and Opportunity Management Implications:

- 8.7 The introduction of Tenant Scrutiny in Brighton & Hove will enable the authority to meet the co-regulation standards as set out in regulatory framework for social landlords introduced in April 2012.

Public Health Implications:

- 8.8 There are no public health implications arising from this report.

Corporate / Citywide Implications:

- 8.9 The successful introduction of tenant scrutiny, as a means of improving the council's engagement with council housing tenants, is one of the commitments outlined in the council's Corporate Plan.

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

- 9.1 The Tenant Innovation Group considered a number of issues and alternatives in making its recommendations as to the model it would like to see progressed. Proposals have been further developed after research into good practice at a national level.

**10. REASONS FOR REPORT RECOMMENDATIONS**

- 10.1 Registered social housing providers are now expected to support tenants to develop and implement opportunities for their involvement and empowerment. A key component of this is to support the formation and activities of Tenant Scrutiny Panels.
- 10.2 Establishing a TSP is also a priority within the council's corporate plan.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

- A. Draft Guide to Tenant Scrutiny in Brighton & Hove
- B. Extract from the draft minutes of the Housing Management Consultative Sub-Committee meeting on 4<sup>th</sup> September 2012



## **Appendix A**

### **DRAFT Guide to Tenant Scrutiny in Brighton & Hove**

#### **Contents**

1. Welcome
2. What is Tenant Scrutiny
3. How will Tenant Scrutiny work in Brighton & Hove
4. Draft Terms of Reference
5. Draft application form
6. Draft induction and training programme
7. Draft role description

## 1. Welcome

Thank you very much for showing an interest in becoming a member of the Tenant Scrutiny Panel (TSP) in Brighton & Hove.

We have put together this information pack to explain why Brighton & Hove City Council (BHCC) is introducing tenant scrutiny and how you could play an essential role in improving housing services for BHCC tenants and leaseholders (residents).

We hope that this pack will answer any questions you have, but if not please contact Karen Amsden on 01273 291084 or email [scrutiny@brighton-hove.gov.uk](mailto:scrutiny@brighton-hove.gov.uk) with any queries.

## 2. What is Tenant Scrutiny?

### Why are we introducing tenant scrutiny in Brighton & Hove?

The Government is currently making big changes to how social landlords are regulated. As part of this, your council will be expected from April 2012 to involve tenants and leaseholders in scrutinising their housing service. Areas of the service that the Panel could check include:

- Repairs
- Allocations
- Rent levels
- Service charges
- Anti-social behaviour
- Community development

### Working together

The aim is to give you a greater say in important issues that affect your home and hold BHCC to account if you do not feel they are delivering a sufficiently good service. Rather than the council being inspected to check how well it delivers its services, tenants and leaseholders will lead the way and will be expected to identify their issues of concern.

### A tenant scrutiny panel

Setting up a scrutiny panel of tenants and leaseholders is often seen as the main way of achieving tenant scrutiny and consists of:

*'...a group of tenants [and leaseholders] with the power to review information about their landlord's performance and make recommendations for improvement.'*<sup>1</sup>

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<sup>1</sup> Housing Practice, CIH Briefing 19



## **What can tenant scrutiny do for you?**

The key areas which tenant scrutiny will be encouraged to look at will be:

- How well the Housing Service is performing
- Whether services are meeting tenants and leaseholders' needs
- Complaints

Tenant scrutiny will give you a formal way of:

- Identifying areas of concern
- Finding evidence. This could be anything from customer satisfaction surveys, complaints information or information on how well different services are performing
- Asking questions
- Making recommendations on how to improve services
- Helping the council to make the best use of the money it receives from you

As a result you will have the chance to influence and be involved in:

- Recommending housing policies and setting service standards
- Recommending priorities for the service
- Recommending how services are delivered
- Reviewing the council's performance
- Managing the repair and maintenance services

## **What can be achieved by tenant scrutiny?**

Some housing organisations have already introduced tenant scrutiny and the benefits to tenants and leaseholders have included:

- Improved services
- Reduced service costs
- Higher levels of tenant satisfaction

The panel will be supported by the council's Scrutiny team and will have real power to influence the quality of the service that residents' receive.

## **4. How will tenant scrutiny work in Brighton and Hove?**

In 2011 a group was set up to look at widening resident involvement in the city. Known as the Innovation Group, they were made up of long standing involved residents, Cllr Wakefield (Chair of the Housing Committee), residents who were not currently involved and council officers.

This Group developed the following set of principles for the establishment of the Panel:

1. A panel of twelve people
2. Need different skills and experiences to sit on the panel
3. Mix of one third existing elected tenant representatives and two thirds tenants who are not elected tenant representatives
4. Representative of all tenants – e.g. mix of ages, ethnicities, etc
5. An open day for people interested in being involved to come along and find out more about tenant scrutiny
6. Informal recruitment process to the panel that is non intimidating, with selection taking place against some criteria
7. Training and learning opportunities to be offered to all panel members - e.g. in research, working as a group, performance issues, gathering information and evidence
8. The panel should move beyond consultation and engagement. It needs to exercise real power and drill down on issues to get a detailed picture, before making evidence-based recommendations
9. Recommendations will be made to the Housing Committee, which will remain the ultimate decision maker
10. The panel should be supported by the council's Scrutiny Team (independent, experienced and non-political), possibly with independent mentor for the first year or so.
11. Membership of the panel should be time-limited, with positions for 2 years, but 3 years for the first group
12. Members of the panel should be replenished annually one third at a time following the initial tenure of approximately three years - or as required (**following consultation principles 11 & 12 have been amended as outlined in Section 5.2 of this pack**)
13. The possibility of working collaboratively with other local housing providers to share learning and skills should be explored once the panel has been up and running for a while.

Members of the Innovation Group were also keen to see the panel invite an independent member or mentor to join them.

### **How will the Panel work?**

Tenant Scrutiny is in the relatively early stages of being developed across the country. So much of the detail of how the Panel will work in practice will be decided once the Panel members have been recruited. However once the

Panel has been established it will be expected to report annually to tenants and leaseholders and agree an annual work plan.

### **Scrutiny reviews**

Based on the evidence about the housing service, the Panel will decide to look in more detail at a number of specific areas of the service, where they feel there is the greatest need for improvement. These will be the scrutiny topics for the year.

### **How will the Panel look at these scrutiny topics?**

Each topic will be looked at in detail by the Panel and members of the public will be invited to submit evidence to them. Other ways of gathering evidence could include:

- Shadowing staff or contractors
- Interviewing managers
- Talking to residents
- Looking at performance information
- Looking at complaints information
- Looking at policies and procedures
- Visiting other landlords to say how they do it

### **Who will support the Panel?**

The Panel will be supported the council's Scrutiny Team which will help it to work independently to gather its evidence and look at topics. The panel will be able to benefit from the Scrutiny Team's experience in carrying out challenging and constructive reviews of pressing issues.

### **Where will the Panel report to?**

Once the panel have produced a report on a topic, any recommendations they make will be presented to the council's Housing Committee. This Committee will agree a response to the report and/or recommendations of the panel. The response of the Housing Committee, along with the original report of the TSP, will then be reported to Housing Management Consultative Sub-Committee.

## **5. Brighton & Hove Tenant Scrutiny Panel (TSP) - Draft Terms of Reference**

### **5.1 ROLE OF THE PANEL**

The role of the panel will be to:

- Address tenants and leaseholders concerns about the housing service
- Recommend how to improve services
- Consider how well the council is planning future services

### **Aims and Objectives of the TSP**

- To work on behalf of tenants and leaseholders, to ensure that the council provides housing services that meet their needs, and achieve the standards set out in the 2012 regulation framework for social housing.<sup>2</sup>
- To act as a driver for the continuous review and improvement of housing services.
- To provide an opportunity for tenants and leaseholders to examine the housing service's performance and procedures, as well as challenge and question staff who manage and deliver the service.
- Act as a 'critical friend' on behalf of tenants and leaseholders to senior staff and councillors in relation to improving housing services

### **5.2 MEMBERSHIP OF THE PANEL**

The members of the Panel will be selected using the following principles:

- Tenants and leaseholders will be able to apply for to join the Tenant Scrutiny Panel (TSP). Up to 12 places will be available for panel membership. At the setting up of the panel, one of these places will be reserved for an independent expert or mentor.
- All Brighton & Hove Housing tenants and leaseholders will be eligible to apply.<sup>3</sup>
- The panel will benefit from a range of skills and experience and so will seek to attract a mixture of existing tenant representatives and uninvolved tenants and leaseholders (the aim would be to attract 1/3 of

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<sup>2</sup> <http://www.tenantservicesauthority.org/upload/pdf/rt-main-full.pdf>

<sup>3</sup> The selection panel may wish to consider whether tenants in formal dispute with the council would suffer an adverse impact on their ability to discharge their duties as a member of the panel.

the Panel from currently involved residents and 2/3 from residents who are not currently involved)

- Successful applicants will be selected from those considered to best meet the role profile following discussions with the selection panel
- The membership of the TSP will aim to broadly reflect the diversity of the resident population
- Panel members must sign the Code of Conduct and then uphold it at all times
- All panel members will be expected to attend an induction course and be available to undertake additional training throughout the year

An important part of setting up the Panel will be to attract tenants and leaseholders who are not currently involved, and those who come from harder to reach groups such as younger people and Black and Minority Ethnic (BME) groups.

### **Recruitment and succession**

Panel members will be recruited using an advertisement to all tenants and leaseholders, as well as other promotional material. They will be asked to complete an application form. Panel members will then be selected by an interview panel. Both an induction, and training, programme will be provided. Panel members will be asked to sign a code of conduct.

Membership of the panel should be time-limited, with the panel members being appointed initially for 3 years. Members of the panel will be then required to stand down, but can be re-appointed to the panel through the selection process. Members may not serve longer than six years.

## **5.3 PANEL MEETINGS**

### **Frequency of Meetings**

The Panel will aim to have a minimum of four meetings per year. The TSP may establish scrutiny reviews to examine specific issues. In the event of a panel member failing to attend three consecutive TSP meetings without good reason, they will be deemed to have resigned, unless otherwise agreed by the panel. Their place will be filled via the recruitment process.

### **Quorum**

A quorum will be if more than 50% of members (i.e. if membership is 12, a quorum will be 7). Any discussion at an inquorate meeting should be noted and considered at the next quorate meeting.

### **Meetings**

In the interests of openness and transparency, meetings will generally be open to the public and representatives of the press, unless at a meeting

where a resolution to exclude the press and public is passed by those present.

## **5.4 SUPPORT AND RESOURCES FOR THE PANEL**

### **Training and development**

All new panel members will undertake an induction programme, and their training and capacity building requirements will also be assessed. The training programme for panel members will be developed, delivered and regularly reviewed to ensure that they are able to carry out their work plan.

### **Officer support**

The TSP will be supported by the council's Scrutiny Team to take minutes, advise tenant representatives, co-ordinate meetings and support the drafting of reports and recommendations to the council.

### **Budget**

The panel will have access to a limited annual budget to carry out the following:

- Seek independent advice and training
- Undertake visits
- Publicise their events
- Other necessary work of the panel

## **5.5 THE WORK OF THE SCRUTINY PANEL**

### **Areas of Business**

The remit of the TSP will be to consider all areas of the housing service performance. It will be able to request any relevant information, or the attendance of council officers, which is needed to undertake its duties.

### **The work of the TSP**

The panel will ensure that services are effectively scrutinised and shaped by tenants by:

- Act independently to voice the concerns of Brighton & Hove CC tenants and leaseholders
- Examining and evaluating policies, strategies and procedures
- Monitoring performance, with the ability to dig down where there are questions about performance
- Challenging councillors and senior staff through agreed scrutiny reviews. This will include:

- Collecting evidence to enable housing services to be scrutinised
  - Examine the evidence, make recommendations for service improvements
  - Make recommendations to senior management or councillors
  - Monitor and review agreed action plans
  - Tell other tenants and leaseholders what the panel is doing and encourage them to get involved

### **Annual work programme**

The TSP will agree an annual work plan at the beginning of each year. The priority areas for review will be decided using feedback from all available information, including:

- Performance reports
- Reports from area panels, mystery shoppers, City Assembly and other relevant sources
- Tenants and residents' associations
- Tenant surveys, complaints data and benchmarking

### **Reporting arrangements**

All recommendations of the TSP will be presented to the council's Housing Committee within two months of a review's recommendations being agreed by the panel/or the next meeting of the Committee. The Housing Committee will agree a response to the report/recommendations of the TSP. The report of the panel and the response of the Housing Committee will then be presented to the Housing Management Consultative Sub-Committee.

A summary of the report, recommendations and any agreed actions will then be reported back to the TSP and published on the council's website.

### **Access to information**

Brighton & Hove City Council, and its contractors where relevant, shall provide the TSP with information, advice and documents to enable it to carry out its scrutiny role (providing that it is appropriate to do so – taking into account commercial sensitivities and access to information and privacy laws).

## **5.6 IMPACT OF THE TSP**

### **The accountability of the TSP to tenants and leaseholders**

It is important for the panel to be accountable to BHCC residents by:

- Publishing its findings in an annual report which provides information about their findings and work in the previous year
- A dedicated tenant scrutiny page on the council website, which would include meeting dates, minutes of meetings and panel reports. This information would also be provided to any tenant or leaseholder on request
- Consulting with a wider group of tenants and leaseholders about what scrutiny reviews should be carried out
- Residents will be able to raise an issue directly with the panel and meetings of the panel will have time set aside to consider requests for scrutiny, letters and questions
- Using social media, such as Twitter and Facebook, to raise awareness of the work of the panel

### **Evaluation of activities of the TSP**

A review of the effectiveness of the panel will be undertaken after the first 12 months of its operation.

The work of the panel will be subject to an annual impact assessment and its findings will be reported, this will make recommendations for improvements.



## 6. Tenant Scrutiny Panel Application Form

### Completing the application form

If you need any help in completing this form, or require it in any other format or language, please contact Karen Amsden, Scrutiny Officer on 01273 291084 or email [scrutiny@brighton-hove.gov.uk](mailto:scrutiny@brighton-hove.gov.uk)

### Your details

Full Name	
Postal Address	
Postcode	
Telephone number	
Email address	

Please tick the boxes below to say in which areas you have knowledge and experience that you could bring to the Scrutiny Panel. We don't expect you to be answer 'yes' to everything. Induction and training will be provided and there will be support from the Scrutiny Team.

Your knowledge and experiences	Yes	No	Not sure or Some
Are you a Brighton & Hove City Council tenant or leaseholder living in a BHCC property?			
I want to act on behalf of tenants and leaseholders to improve services for everyone who lives in a BHCC property			
I have worked on a committee or a Board			
I have worked as a volunteer			
I have worked in the community			
I want to work as part of a team and contribute to group discussions			
I am able to understand documents and give my view on them to a group of people			
I have good listening skills and am prepared to listen to other points of view			

**Ability to commit to the work of the panel**

Commitments needed	Yes	No	Not sure or Some
I can commit the time needed to make the scrutiny panel a success (at least 5 hours per month)			
I am willing to participate in the training sessions			
Available to attend tenant scrutiny panel meetings			

**Details of employment and voluntary work**

*Please give us brief details of your current and past employment, or any other experience(s) which you could bring to the Panel.*

**Please explain why you want to join the scrutiny panel and why you would be a good scrutiniser.**

**Do you have any other skills and experience that you would like to tell us about, including any qualification or training?**

## Declaration

**Please read the following statements carefully and sign and date this application form:**

- I am not employed by Brighton & Hove City Council (BHCC), or business partner, or potential business partner of BHCC
- I have read and understood the details included within this application form
- If appointed, I am prepared to comply with the Scrutiny Panel Code of Conduct and to act in good faith and in the interests of the Panel
- I understand that if one of the members of the Scrutiny Panel's behaviour brings the Panel into disrepute, action may be taken to remove or exclude that person from the Panel
- I know that Panel members are volunteers and are not entitled to receive payment (other than properly incurred expenses)
- I declare that all the information provided on this application form is correct and that if appointed I will be liable to action which could include my removal from the Scrutiny Panel should I knowingly give false information.
- I acknowledge that Brighton & Hove City Council will conduct any necessary checks to verify this information. I understand that if I don't want these checks to go ahead my application will not be progressed.
- I am able to commit to attending Scrutiny Panel meetings and take part in any necessary training

Signature .....

Date.....

Please return this completed application to:

Karen Amsden, Scrutiny Officer, Room 128, King's House, Grand Avenue  
Brighton & Hove, BN3 2LS

Or email [scrutiny@brighton-hove.gov.uk](mailto:scrutiny@brighton-hove.gov.uk)

## **7. Induction and training programme**

### **7.1 Why do I need an induction before I become a panel member?**

The aim of the induction programme is to:

- Explain the aims and priorities of the housing service and the role of the TSP
- Make sure panel members know what is expected of them
- Enable the panel to become effective as quickly as possible

### **7.2 What would I gain from the induction?**

- Understanding what is scrutiny
- Understanding what your role would be on the scrutiny panel
- Knowing your other TSP members
- Identifying your training and support needs and agreeing a training plan
- Understanding your housing service and the main issues facing social housing
- Meeting the key people you will need to work with in BHCC Housing Service

### **7.3 What kind skills training might be provided?**

The induction programme will give you a chance to agree a training plan to develop the skills and knowledge you need. This could include:

#### **Skills training**

- Communication skills
- Evaluation
- Team working
- Confidence building
- Understanding the organisation
- Understanding performance information
- Negotiation skills
- Report writing
- Presentation skills

#### **Knowledge**

- Relevant policies and procedures
- Using ICT and social media
- Key issues facing social housing
- What excellence looks like - e.g. Benchmarking reports, Audit Commission reports

## **7.4 Your induction pack**

Before you join the TSP you will be given an induction pack which will include the following information:

- The Terms of Reference (TOR)
- Role description
- Code of conduct
- Relevant policies and procedures
- Contact information for key members of staff
- List of ways (e.g. websites) to gain information for carrying out scrutiny reviews

## **7.5 Ongoing training**

As part of the annual evaluation of the effectiveness of the scrutiny panel, an annual programme of training will be developed for each member of the TSP.

## **8. Draft Tenant Scrutiny Panel Member Role Description**

The role description describes the skills and qualities you would need to carry out the work which is involved in becoming a panel member. It also tells you how the council will help you develop your skills.

### **8.1 What is involved in tenant scrutiny?**

#### **Purpose**

The purpose of the role of a Tenant Scrutiny Panel (TSP) member is to work as a member of a team to:

- Represent BHCC tenants and leaseholders, to make sure that they receive services of the highest standard
- Benchmark the performance of BHCC Housing against other similar organisations
- Select the key issues and topics to review and scrutinise
- Take an independent view of the performance of BHCC Housing
- Collect evidence to enable services to be scrutinised
- Assess performance against agreed standards
- Hold councillors and officers to account where performance falls below expected standards

#### **Key Activities**

The key activities you would carry out as a TSP member are to:

- Attend meetings, training and planning sessions
- Read documents in preparation for meetings
- Review performance information provided by BHCC Housing and other sources
- Choose issues and topics for review
- Compare performance to other similar organisations
- Question officers on areas of interest
- Participate in detailed reviews of areas of concern
- Where standards fall below expected levels, consider how improvements might be made
- Work co-operatively with other TSP members, BHCC staff and tenants and leaseholders
- Assist in the preparation of reports

#### **Responsibilities**

Your main responsibilities as a TSP member would be to:

- Carry out audits of services provided by BHCC
- Work with officers and other residents to understand the services provided and make recommendations for improvements

- Familiarise yourself with, and adhere to, relevant BHCC policies and procedures such as the Code of Conduct, Confidentiality, Health and Safety and Equality and Diversity
- Remain impartial and objective at all times
- Not to raise any personal issues or concerns via the TSP
- Act professionally and carry out your responsibilities with integrity and high standards of behaviour at all times
- Promote the work of the TSP and the wider principles of tenant and leaseholder involvement
- Treat everyone with respect and ensure that you are responsive to the needs of all people in the community.

## 8.2 What sort of person are we looking for?

### Knowledge and experience

- Knowledge and experience of the housing services provided by BHCC
- Knowledge and experience of the needs and expectations of tenants and leaseholders of BHCC

### Skills and abilities

This table lists the key qualities and experience you need to be an effective member of the scrutiny panel. Some of the skills are essential but the others can be developed with training and support from the Scrutiny team.

Skill	Essential	Desirable
<b>Commitment</b>	<ul style="list-style-type: none"> <li>• Able to attend regular meetings of the TSP</li> <li>• Commit time to read papers in advance of the meetings</li> <li>• Attend and participate in training sessions</li> </ul>	
<b>Communication skills</b>	<ul style="list-style-type: none"> <li>• Good communication skills</li> <li>• Good listening skills</li> </ul>	<ul style="list-style-type: none"> <li>• Report writing skills</li> <li>• Presentation skills</li> <li>• Able to contribute to meetings</li> </ul>
<b>Analysing information</b>	<ul style="list-style-type: none"> <li>• Ability to analyse and question</li> <li>• Making decisions based on evidence</li> </ul>	
<b>Teamwork</b>	<ul style="list-style-type: none"> <li>• Able to work as part of a team</li> <li>• Working to agreed deadlines</li> <li>• Support majority decisions</li> </ul>	<ul style="list-style-type: none"> <li>• Able to share skills and knowledge to help other Panel members</li> </ul>

## **Personal qualities**

We would expect a tenant scrutiny panel member to have the following qualities:

- A good communicator
- Have good concentration
- A good listener
- Have an ability to handle and respect confidential information
- Tactful and diplomatic
- Professional, open minded and non judgemental
- Able to work to deadlines and as part of a team
- Able to attend meetings as required
- Respects others and their views
- Able to share skills and knowledge

## **8.3 What can we offer you?**

### **Training, support & mentoring**

All members will undertake an induction programme and further training needs will be assessed. Appropriate training, support and mentoring will be provided.

### **Improving your opportunities for employment**

The tasks you carry out as a TSP member, as well as the training and support which is provided, will enhance your employability skills.



## Appendix B

### Extract from the draft Minutes of the Housing Management Consultative Sub Committee held on 4 September 2012 relating to the issue of Tenant Scrutiny

#### 15 REPORT OF THE INNOVATION GROUP ON RESIDENT INVOLVEMENT

- 15.1 The Committee considered a report of the Strategic Director Place on the work and final proposals of the Innovation Group on resident involvement. The report followed a report to the Housing Committee in April 2012 which had made the Committee aware of the draft Innovation Group report and the plans for further resident consultation on the proposals. The report updated the draft version following consultations which took place at the May 2012 City Assembly, meetings with individual residents and through Homing In magazine. The Chair thanked all those, residents and officers, who had been involved in preparing the report.
- 15.2 Appendix one to the report (pages 20-22 in the agenda) included a summary of the 36 main suggestions, and it was agreed that the Committee would comment on each of those suggestions.
- 15.12 Suggestion 18 related to Tenant Scrutiny Panel and would be covered in more detail in Item 16 on the agenda.
- 15.14 Councillor Peltzer Dunn noted an inconsistency with information relating to a meeting of the Tenant Scrutiny Panel on pages 72 and 105 of the report. On page 72 it says a meeting would be qourate with 6 people and on page 105 it would be 7 people. Councillor Peltzer Dunn also noted that page 72 stated that 'inqourate meetings should be noted and decisions ratified at the next qourate meeting'. It was agreed that it should read '*any discussion at an inqourate meeting should be noted and considered at the next qourate meeting*'.
- 15.18 **RESOLVED** – That the report of the Innovation Group on Resident Involvement, together with an action plan following comments made at this meeting, be considered at the meeting of the Housing Management Consultative Sub Committee on 23 October 2012.

#### 16 TENANT SCRUTINY

- 16.1 The Committee considered a report of the Strategic Director Place, on the creation of a Tenant Scrutiny Panel (TSP). The report set out the model for the introduction of a TSP in Brighton and Hove.
- 16.2 Councillor Mears noted that recommendations of the TSP would be presented to the Housing Committee, and asked if it could also be

presented to Housing Management Consultative Sub Committee (HMCSC) for information. Councillor Mears was concerned that the creation of a TSP would devalue the role of the HMCSC, and asked if the long term plan was to get rid of the Committee altogether. The Chair assured the Committee that there was no intention to remove the HMCSC. Officers referred Councillor Mears to paragraph 5.6 of the report which stated that all recommendations of the TSP would be presented to the Housing Committee and then the responses of that Committee would then be reported to the HMCSC. Officers explained that TSP would make recommendations directly to the Council's Housing Committee rather than formally via HMCSC. This was because HMCSC and Housing Committee had an overlapping membership, and it was a fundamental principle of scrutiny that the body responding to scrutiny recommendations should be discrete from the body making those recommendations (i.e. that members should not sit on both bodies). However, this formal reporting pathway aside, it was intended that the TSP and HMCSC should be close and mutually supportive partners.

- 16.3 Mr Crowhurst asked if the TSP would be able to make any decisions themselves. Officers confirmed that the TSP could only make recommendations.
- 16.4 Mr Kent was concerned over the role of the HMCSC, previously it had been a full Committee and now it was a 'sub' Committee with no powers and asked why it had been changed. Mr Kent was advised that the council had agreed to move from a Cabinet system to a Committee system, and so this Committee was now part of the Housing Committee. The change had been agreed by Full Council.
- 16.5 Mr Melson was concerned that if tenants were conducting the scrutiny there was a possibility that it could become adversarial. Officers reassured Mr Melson that a panel would need to be very clear about why it was being held, and confirmed that scrutiny officers would offer support to the TSP.
- 16.6 Councillor Robins thanked officers for the report and thought the introduction of a TSP was a positive thing, and encouraged everyone to support it. Councillor Robins asked if the Chair of the Panel would be independent. Officers said that the plan was to have an independent mentor who would be able to support the panel.
- 16.7 Councillor Peltzer Dunn agreed with the comments of Councillor Robins. Councillor Peltzer Dunn referred to the report and suggested the wording of paragraphs 5.3 and 5.6 be looked at, as they appeared to contradict each other. Councillor Peltzer Dunn noted that paragraph 1.2 stated that the report had 'been' presented to HMCSC on 4 September. The report on the Innovation Group, which recommended the creation of the TSP, had not yet been endorsed by the HMCSC and so the wording of that paragraph was misleading.

16.8 Mr Crowhurst asked if a TSP requested information, officers would be compelled to provide it. It was confirmed they would, subject to the usual scrutiny 'access to information' regulations.

**16.9 RESOLVED**

(1) That the Housing Management Consultative Sub Committee noted the report.

(2) That the comments of the Housing Management Consultative Sub Committee be taken into consideration.



**Subject:** HOUSING INVESTMENT 2012-2020: STRATEGY & IMPLEMENTATION PLAN

**Date of Meeting:** 26 September 2012

**Report of:** Strategic Director, Place

**Contact Officers:** Name: Jugal Sharma Tel: 29-1095 / 1757

E-mail: [jugal.sharma@brighton-hove.gov.uk](mailto:jugal.sharma@brighton-hove.gov.uk)

**Wards Affected:** All

### FOR GENERAL RELEASE

#### 1. SUMMARY:

Delivering decent, affordable housing to meet local demand is a corporate priority and addresses a range of social needs, budgetary imperatives, economic and environmental choices facing the Council and city as a whole. Current market conditions and changes to government grant subsidy mean old funding and delivery models no longer work. New funding models and delivery solutions are needed and this requires the Council and local communities to navigate a new landscape of options. In June 2012 the Council hosted a Housing Summit to increase the understanding and awareness of the new funding landscape. This report presents a funding and delivery strategy for the development of new and improved affordable housing on Council owned Housing Revenue Account (HRA) land with funding and development choices (including viability considerations) being made at a local level reflecting stakeholder requirements. This report also sets out proposals for community consultation for affordable housing development on specific 'garage sites' identified on HRA land.

Engaging local ward Councillors, tenants, leaseholders, other residents and local stakeholders in development options, scheme design, project governance and delivery will be essential to the success of the initiative and will be the subject of future reports to Housing Committee.

#### 2. RECOMMENDATIONS:

That Housing Committee agree to:

- 2.1. the procurement of a delivery partner to take forward final feasibility, design and development of new council homes on vacant garage sites in consultation with stakeholders, utilising a range of housing options based on Low Cost Home ownership, Affordable Rents, and Target Rents.

Once full schemes are developed they will be reported to Housing Committee.

- 2.2. the procurement of initial feasibility and design, on identified case studies for housing opportunities on HRA land, where appropriate at an estimated cost, including stakeholder engagement and consultation of £1 million.
- 2.3 Note the current timetable for the development of the garage sites in paragraph 4.20 and for development of feasibility studies in paragraph 4.27.

### **3. POLICY CONTEXT**

- 3.1. Our Corporate Plan identifies affordable housing as a priority and delivery of this priority is reflected in a number of key documents:

#### **Housing Strategy**

- 3.2 Retaining our Council housing stock is a cornerstone of our city-wide Housing Strategy and commits us to making best use of HRA assets, building new council homes and increasing housing supply in order to address the shortage of affordable housing in the city. Consistent with corporate accommodation requirements, we also seek to free up poorly used residential accommodation and reduce social care costs, which many national commentators are predicting to escalate dramatically in the future.
- 3.3 Our existing projections identify:
  - The City needs an additional 3,759 affordable dwellings by 2030;
  - Intense pressure on housing to meet the needs of vulnerable adults and children;
  - High property prices and low incomes;
  - Small social rented sector, large private rented sector;
  - High proportion of people who have housing & support needs;
  - Rising homelessness.

#### **Housing Investment Programme**

- 3.4 Investment has already been identified for over 500 new affordable homes under the existing 2011-14 Affordable Housing Investment Programme in partnership with Registered Providers and the Homes and Communities Agency (HCA). Over 400 of these new affordable homes are currently in development on sites across the City.

#### **City Plan**

- 3.5 Our draft City Plan sets a local housing target for the city to 2030 of 11,300 new homes. It also identifies the broad locations, scale and types of development needed together with the supporting infrastructure; sets clear policies on issues such as affordable housing provision, the protection of open space and ensuring new development is built to high standards of design and sustainability.

## **Commissioning Plans**

- 3.6 This work has been commissioned against the key Corporate & Housing Commissioning priorities:
- Improving housing supply to ensure that the City has the type of housing to meet the needs of residents. This includes identifying opportunities to improve and develop deprived neighbourhoods;
  - Improving housing quality to ensure that residents are able to live in decent homes suitable for their needs;
  - Improving housing support to ensure that residents are supported to maintain and increase their independence;
  - Contributing to the wider city agenda of reducing worklessness, improving community cohesion, reducing anti social behaviour and reducing inequality;
  - Meeting wider strategic accommodation needs such as those relating to vulnerable adults and children to whom the council owes an accommodation duty such as extra care housing for older people.

## **4. FUNDING OPTIONS, DELIVERY STRATEGY & IMPLEMENTATION PLAN**

- 4.1 As highlighted in the Housing Summit the funding landscape has changed. Development surpluses generated from homes built for sale and used to cross subsidise, via planning obligations, the provision of affordable housing are squeezed. This reflects a major shrinkage in the mortgage market as bank lending has reduced and buyers are generally required to invest more significant amounts of their own equity. In addition, government Social Housing Grant is no longer available and Registered Providers are expected to combine available funding with any balance sheet surpluses to provide affordable housing for rent at no less than 80% of the market level capped at LHA rates. To instigate the supply of more affordable housing means the council exploring innovative funding options. Over the last year the council has been working with a number of agencies, including dedicated support from the HCA, to develop the opportunities. Broadly these fall into three categories with potential for permutations:

### **HRA Self Financing Option**

- 4.2 The HRA Self Financing is detailed in the Localism Act was introduced in April 2012. The implications of self financing were detailed in the HRA Budget report to Cabinet on 9 February 2012. In summary, government has abolished the subsidy system and, for a one off settlement, local authorities now retain their rent receipts and manage their finances from within their own income. For Brighton and Hove after a one off settlement payment of £18m to central government, the council will be retaining an estimated £3.9m surplus for 2012/13 over and above management and maintenance costs. The annual surpluses would support future investment in existing stock and enable the council to fund a development programme over the next few years .

- 4.3 Whilst £3.9m may seem like a large capital sum it will only generate some circa 50 -90 new homes, per annum assuming rents are charged at current council levels. The downside of this approach therefore is that the supply (quantum and pace) of fundable homes and the capacity to place-make will be significantly constrained by the size of capital programme. The upside is that the cost and risk of funding is likely to be very low. The base model assumes all homes built remain in the HRA albeit there is scope for other permutations including the council building homes for sale, shared ownership or other financial arrangement. In 'clienting' development, the Council has options on managing the development process itself or procuring a development partner from the private and social sectors.

#### **Registered Provider (RP), Co-operatives & Charitable Vehicle Provider Funding Option**

- 4.4 RPs, Co-operatives and Charitable Vehicle Providers in the city have indicated that they would be willing to work in close partnership with the council where appropriate and supported. Whilst some may be willing and capable of acting solely in a development capacity, the funding option likely to be attractive is where they take ownership of the new homes financed and/or built by them.
- 4.5 Depending on specific site development viability, this may produce a capital receipt for the Council on a sale or leasehold arrangement. RPs in particular are likely to be better structured, experienced and staffed to manage development risk than the local authority. It may also be possible to expand the funding capacity of the development programme and thus the volume of new homes supplied. Such an arrangement, however, may involve ownership, rents, service charges, management and maintenance being held and primarily determined by the Provider. That said some Providers may be open to negotiating the principle and detail of this including Council led nomination to new tenancies.

#### **Private Sector Funded Options**

- 4.6 A range of private sector funding options are emerging and the council is already utilising private bank funding from Santander in the establishment of Brighton & Hove Seaside & Community Homes (BHSCH). Perhaps the most significant change has been the interest of Institutional investors, including pension companies and finance houses in providing development finance in return for guaranteed (i.e. the council underwrites) and inflation indexed (i.e. Retail Price Index) loans at market interest rates. The market interest rate will reflect that banks and institutional investors are seeking to invest relatively large sums in safe places against the backdrop of stock market and business uncertainty and council guaranteed borrowing is regarded by them as low risk. However, the council takes finance risk and has to satisfy complex accounting arrangements under International Financial Reporting Standards to ensure any transaction is properly reflected in the final accounts. Additionally some major development companies are seeking to create tailored packages of finance and development delivery with local authorities. These may include price negotiated permutations



related to housing ownership, leaseback deals, management, maintenance, rent levels and nomination rights.

- 4.7 The upside to these arrangements is that it potentially creates a much bigger development and place making funding pot and programme and, depending on arrangements, may enable the local authority to avoid development risk. The downside is that the lending rate and indexation will be at a higher cost than through self financing and prudential borrowing.
- 4.8 Council borrowing counts towards government borrowing which the Treasury may seek to restrict in the future so a further consideration, is to structure private sector funding options off the council's balance sheet as happened with the creation of BHSC. This is to guard against any future proposals that emerge from HM Treasury to restrict council borrowing.
- 4.9 At this stage it is recommended that all funding options are kept under consideration until clarity emerges on the scale of a development programme.

### **DELIVERY STRATEGY**

- 4.10 Working with local communities, tenant and leasehold representatives, together with partner agencies, the council has a strong track record in devising innovative housing solutions. It is recognised that the best solutions emerge where council officers provide an enabling role bringing options and potential partners to the table. It is also accepted that a 'one size fits all' solution may not be appropriate for all potential development sites across the city. Rather funding, development, ownership and management, amongst other factors, may need to be tailored to specific localities and situations. Thus it is recommended that the council's delivery strategy reflects a 'localism' and 'neighbourhood' approach with development options being tailored to the specific circumstances of each site, the preferences of the local community and the support of ward councillors.
- 4.11 In adopting this approach, the Committee will need to acknowledge that the choice to take forward affordable housing opportunities will be subject to constraints and compromise. For example, not all affordable housing aspirations will achieve development viability. There will inevitably be trade offs to be agreed on the volume of supply against the affordability of accommodation. Funding and development risk comes at a cost to those who carry it. The complexity of options chosen and the extent of consultation will have a bearing on the delivery timetable. These considerations will need to be clearly communicated, appraised and quantified in order to manage expectations and determine which if any route can be taken forward on each identified development site.

### **IMPLEMENTATION PLAN**

#### **Vacant Garage Sites**

- 4.12 Cabinet approved £0.675m during 2011/12 for preparing ( initial feasibility, design and demolition ) vacant council owned (HRA) garage sites for housing development, securing £0.440m of funding from the HCA. Site preparation and initial feasibility studies have now been undertaken. The 2012/13 HRA Capital budget includes £1m for building costs for these new council homes with an additional £4.315m in the provisional 2013/14 programme with funding availability occurring once full schemes have been developed and reported to Cabinet. The former garage sites are:
- Foredown Road, off Easthill Drive, Portslade
  - Flint Close (south side), Portslade
  - Mountfields off Hinton Close, Hollingdean
  - Natal Road, Off Lewes Road, Brighton
  - Hardwick Road, off Harmsworth Crescent, Hangleton
  - Rotherfield Crescent, Hollingbury
  - Plumpton Road, Queens Park
  - 4-7 Kensington Street & 15-20 Kensington Street land, Brighton
- 4.13 The next stage of the project is to move to consultation on the development phase, financial feasibility and the appointment of a delivery agent. Currently initial feasibility, design and site preparation work has been completed including details on future procurement and funding options to deliver new council homes. As indicated earlier in the report financial feasibility is subject to a number of variables which can be modelled to achieve different permutations of outcome including the volume of homes created, subsidy required, rental level, tenure split and size of dwelling.
- 4.14 A baseline feasibility appraisal found that up to 29 homes can be delivered with a total scheme cost of £4.471m. The funding of scheme costs can be achieved through a variety of methods including use of HRA reserves (surpluses), capital receipts (such as Right To Buy) and prudential borrowing financed from the net revenue surpluses from the new homes.
- 4.15 Based on current target rents (from the government rent restructuring formula), £1.918m of borrowing could be financed from the net revenue surpluses of the new homes with the remaining £2,552m requiring a subsidy from the rest of the housing stock through the use of reserves. This equates to a subsidy of circa £88,000 per home excluding any retained Right to Buy receipts that can be used to fund new build.
- 4.16 This level of subsidy may be considered high compared to that required by government and HCA of RPs. Hence alternative options have been modelled. To reduce the level of subsidy, a proportion of the properties built would need to be allocated for low cost homeownership and or affordable rents based on the government's 80% of market rent (inclusive of service charges) rule used by the HCA. This could reduce the subsidy to £0.460m equating to a subsidy of £16,000 per property which may reduce to zero depending on the value of the retained Right to Buy receipts that can be used to fund new build .

4.17 In addition, development costs (and thus subsidy) may be further reduced by seeking economies of scale and placing all schemes under an umbrella development management arrangement. Lessons are being drawn from the experience of council led development of Ainsworth House and the capacity of the council to effectively client and manage development. Detailed options and recommendations on how best to client and manage the development process will be reported back to Housing Committee once further feasibility and consultation has taken place.

4.18 Importantly the feasibility work undertaken to date shows that all of the sites are capable of being developed albeit there are different risks associated with each site. Thus it is proposed that scheme designs and planning applications are prepared. A critical part of this process is to actively engage and consult local residents in the design and funding options.

4.19 Alternative options include:

- Do Nothing: This option would not meet council priorities to deliver more affordable homes. In addition the sites have been cleared with Homes and Community Agency funding with the expectation that development proposals are worked up.
- Dispose of the sites on the Open Market: These sites are currently without Planning Permission (with the exception of Kensington Street) and would have very little value on the open market.
- Dispose of the sites to a Housing Association on the condition the sites are developed out as 100% affordable housing: Members have expressed aspirations that new housing developments are council led.

4.20 The schedule below sets out the steps and timeframe for taking the garage site scheme development forward. Some of the tasks can be manage concurrently.

	Task	Time
1.	The procurement and appointment of a development agent	Dec 2012 3 months
2.	Detailed feasibility including searches and investigations A financial viability test to include borrowing capacity , subsidy , availability and tenure mix	June 2013 6 months
3.	Consultation with internal stakeholders	August 2013 2 months
4.	Community consultation process, involving local councillors and residents	December 2013 4 months
5.	Planning Application Preparation and Assessment	April 2014 4 months
6.	Planning	July 2014 3 months
7.	On site construction	July

		2015 12 months
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### **Other HRA opportunities**

- 4.21 Further phases are being developed for consultation drawing on the work undertaken by CB Richard Ellis consultants (CBRE) who in 2010 provided a high level view of new opportunities on HRA land. CBRE developed an estates master plan database, including an initial high level review and some initial case studies to inform best use of HRA assets and enable Members of the Committee, in the first instance, to have an informed discussion about future HRA investment choices and opportunities. In all, development sites with potential for over 800 new homes were identified. Of this number 212 were identified as being developed within 1-3 years, 315 were identified as being developed within 3-7 years and 296 have been identified as being developed in 7+ years.
- 4.22 Building on from the CBRE feasibility work and as presented at the June Housing Summit GVA consulting were commissioned to refresh the original CBRE work on estate regeneration and development. In order to test viability further detailed feasibility modelling is required as outlined in the indicative time table at paragraph 4.26
- 4.23 Future opportunities for housing development need to be considered within the various funding options but also within the context of the HRA 30 year Business Plan and investment within the existing stock. For example spending priorities need to be assessed and agreed for:
- The level of future investment in existing stock. For example, the standard of future decent homes works, sustainable and environmental works. In addition, there are a number of capital budgets which are discretionary such as estate improvements, extensions etc.
  - Those opportunities for increasing the 'asset and social' value of existing homes. Some homes may have low net present values which could be increased through short term investment, which would increase the potential revenue surpluses from these properties in the future..
  - Opportunities for increasing housing supply.
- 4.24 The 2010 feasibility work is being updated to reflect the current position in order to identify all future opportunities. However, it is proposed that in the meantime, to procure initial feasibility and design for the case studies identified by CBRE & GVA , including stakeholder engagement and consultation at an estimated cost of £1.m.
- 4.25 It should be noted that the estimated costs are for initial feasibility and design and that those schemes, then taken forward for final feasibility and planning can cost between £0.200m - £1m per scheme depending on the scheme design and complexity.
- 4.26 The indicative timetable below details the sequence of steps from detailed feasibility, scheme consultation and agree design, to planning

permission and including stakeholder consultation. The indicative time line is a maximum development period which will be affected by the scale and number of developments that are taken forward.

#### 4.27 Potential Development Sites Specification

Specification	Time frame
Strategic Plan Assemble Team	1-3 month September 2012 In hand
Update Masterplan including Net Present Values	1 month October 2012
Assess results & Identify estates with development potential-	1 month November 2012
Carry out detailed feasibility	6 months May 2013
Carry out internal consultation	2 months July 2013
Review with stakeholders	4 months November 2013
Masterplan Framework	3 months – February 2014
Appoint Development Agent	3 months May 2014
Interim Planning Guidance	6 months (November 2014)
Outline Planning Application	6 month - small schemes May 2015) 14 months - large schemes January 2016
Prepare Planning Applications, Submit, Approval	4 months September 2016
Commence Build	12 months September 2017

\* Small scheme up to 50 units

#### Governance & Delivery

4.28 The project will be overseen by the Strategic Director of Place and, subject to consultation, will be led by a head of regeneration working in conjunction with heads of housing, property and planning.

4.29 Working in an enabling capacity, the regeneration initiative has been offered the dedicated support of the HCA who are supporting local authorities regardless of ownership, development and management of affordable housing. The project team has been supported by relevant specialists at points throughout the initial feasibility stages who will continue to be needed in the project stages detailed below.

<b>Resource</b>	<b>Project Stages</b>
Programme manager	Throughout
Programme support officer	Throughout
Financial viability –analyst Housing Finance	At points during the following periods of work Development Options Appraisal Post consultation periods
Neighbourhood officers	Consultation phase
Development officer	Throughout
Consultant- architect /quantity surveyor/viability consultant/structural engineer	Feasibility Options development Options appraisal Some element of the consultation periods Some elements of the planning requirements

## **5. CONSULTATION**

- 5.1 This report follows from the June 12 Housing Summit which initiated stakeholder engagement in understanding funding options and viability constraints. The summit highlighted the importance of making informed choices about new affordable housing development particularly on sites where current council maintenance and capital costs are not keeping pace with rental income. It is essential stakeholders are provided with the necessary information to make informed choices about development in their locality.
- 5.2 Our approach will be to engage with local ward Councillors, tenants, leaseholders, other residents and local stakeholders at key points in the process ensuring that local choice is at the heart of any decision making enabling development to take place where this is desired.

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

### 6.1 Financial Implications:

- 6.2 The estimated costs of £1 million to take forward detailed feasibility, design and consultation work for housing opportunities on HRA land will be included in the Month 5, Targeted Budget Monitoring report to Policy & Resources on 11 October 2012 and funded from HRA usable reserves.

- 6.3 The 2012/13 HRA Capital budget includes £1.000 million for building costs for new council homes with an additional £4.315 million in the provisional 2013/14 programme. Once detailed feasibility, design and consultation work has been completed these schemes and their proposed funding arrangements will be reported to Housing Committee and Policy and Resources Committee.
- 6.4 The capital programme budget strategy for 2013 – 2016 will include future provision for final feasibilities, design and build of identified case studies as detailed in paragraph 4.25, where appropriate.

*Finance Officer Consulted: Sue Chapman*  
2012

*Date: 11 September*

6.2 Legal Implications:

The development proposals in the report are within the council's powers. Section 9 of the Housing Act 1985 empowers local housing authorities to provide housing accommodation on HRA land. Actions incidental to the provision of new housing, such as applications for planning consent, also have statutory backing. Under the council's constitution, the Housing Committee is authorised to exercise the council's powers as a housing authority.

At this stage, it is clear that no individuals Human Rights Act rights will be adversely affected. However, any future on site development will need to take account of the right to peaceful enjoyment and the right to respect for private and family life.

*Lawyer Consulted: LizWoodley*  
2012

*Date:17 September*

Equalities Implications:

- 6.3 An increase in housing supply will increase the opportunity provide new, well designed homes to local households registered in need.
- 6.4 New development and renovation provides an opportunity to better meet the needs of particularly vulnerable households including those, such as existing elderly residents, who may be under occupying their current homes.
- 6.4 Across the housing portfolio 10% of all new housing will include accommodation designed for households with a disability increasing the visibility and inclusion of such households.

Sustainability Implications:

- 6.5 Newly built homes will be designed to achieve Life Time Homes space standards and Code for Sustainable Homes Level 4 as a minimum and Level 6 where practical and feasible.

Crime & Disorder Implications:

- 6.6 Redevelopment and regeneration affords an opportunity to address a range of housing and housing related factors that may contribute to crime and disorder. Good architectural and urban design can contribute to more safer homes and neighbourhoods.

Risk and Opportunity Management Implications:

- 6.7 Development risks and opportunities will continue to be assessed and amended throughout the life of the project and adjusted in line with internal and external factors which emerge including those arising from consultation.

Corporate / Citywide Implications:

- 6.8 The city will benefit from additional housing units and assist in meeting the targets for new housing as identified in the draft City plan.

## **7 SUPPORTING DOCUMENTATION**

**Documents in Members' Rooms:**

None

**Background Documents:**

None