

BRIGHTON & HOVE CITY COUNCIL

HOUSING COMMITTEE

4.00pm 8 MAY 2013

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillor Wakefield (Chair)

Also in attendance: Councillor Powell (Deputy Chair), Peltzer Dunn (Opposition Spokesperson), Farrow (Opposition Spokesperson), Rufus, Barnett, Fitch, Jarrett, Mears and Mac Cafferty

PART ONE

63. PROCEDURAL BUSINESS

63A Declarations of Substitute Members

63.1 Councillor MacCafferty declared that he was attending as a substitute for Councillor Davey

63B Declarations of Interests

63.2 There were no declarations of interest.

63C Exclusion of the Press and Public

63.3 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.

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

64. MINUTES

- 64.1 Councillor Farrow referred to paragraph 58.2 and noted that it had been agreed that a report would be brought to the Housing Committee meeting to be held on 8 May 2013. Mr Raw, the Executive Director Environment Development and Housing advised the Committee that discussions with the Homes and Communities Agency were taking place, and a report would be brought to a future Housing Committee meeting.
- 64.2 Councillor Mears referred to paragraph 55.8, and asked if an update on the financial shortfall could be provided. Mr Raw said that a written response would be provided.
- 64.3 RESOLVED – That the Minutes be agreed as a correct record.

65. DRAFT MINUTES OF THE HOUSING MANAGEMENT CONSULTATIVE SUB COMMITTEE

- 65.1 Councillor Jarrett referred to paragraph 53.10 and asked for confirmation on whether the Trusted Assessors provided the same service as a 'Rapid Response Unit'. Mr Raw, the Executive Director Environment Development and Housing, said that he would look into the matter and report back.
- 65.2 RESOLVED – That the Minutes be noted.

66. CHAIR'S COMMUNICATIONS

- 66.1 The Chair said she was pleased to say that she had visited Baldwin Court, a new housing development in the city. The development was very impressive and new tenants would shortly be moving in. The Chair thanked the previous administration for their involvement in the project.

67. CALL OVER

- 67.1 It was agreed that all items be reserved for discussion.

68. PUBLIC INVOLVEMENT

- 68.1 There were no petitions or written questions, but there was a deputation.
- 68.2 The deputation was submitted by the Brighton Benefits Campaign with Brighton Bedroom Tax Victims Support Group, and the spokesperson was Ms M Pilbeam.
- 68.3 The Chair welcomed Ms Pilbeam to the meeting and asked her to present her deputation. Ms Pilbeam stated:

Imagine....

You've invested a lot of time and effort in improving your council house over the years. You've always paid the rent on time. Your family have flown the nest successfully. The grandchildren are a joy. Then tragedy hits. Your daughter dies...and suddenly, in mid-life, you are pitched back into the work of full time parenting again, looking after two young granddaughters. NOW you are told that despite your poverty, and despite your enlarged household you must pay a penalty for under-occupying, when in fact your

teenage grandson comes to stay for half the week to be with his sisters and sleeps in the box-room. It's a painful reminder that how real families live doesn't count for anything, when it comes to the bedroom tax.

Or, you are seriously ill, constantly tired and in pain. You've had to give up so much of the life you had before. But at least your flat is above the neighbourhood shop. At least it is adapted – in so many ways - for your needs. At least you have long-standing neighbours who support and look out for you. It's your home. Now you are told that you must move, and the stress and disruption is more than you can even bear to think about. Or, your children no longer live with you...but they are all close by. One is a single parent and you try to help out by having the grandchildren to stay occasionally. Your own health is not good, but you're an active person in the community despite it, and your home there is your bedrock. Paying the bedroom tax will reduce your income so far beneath the breadline that you just don't know how you'll manage. You cannot eat properly and you've lost the energy to help others like you used to. It's now a daily struggle not to just sink into despair. Or, you have both serious physical and mental illnesses, and have carers coming in every single day. You feel safe with the good neighbours around you, and are so glad that your garden lets you keep your beloved pets. Moving is unimaginable. New people and new situations are just too much to cope with alongside your illness. A discretionary housing payment seems to offer hope, but then you are told it's only for people who agree to move, and you're refused it. You think: how they can get away with telling me to pay the bedroom tax from money that's not supposed to be for housing, but for the extra costs I have because of my disabilities. You wonder what will become of you with cuts in the real value of social security benefits for years to come, and council tax to pay, and now this. It's so heartless that you wonder if the intention of it all is to drive you to suicide.....Then, no doubt, the money that was supposed to keep you alive will come in handy for tax cuts for the well off. You can imagine this..... but these are not imaginary cases. Nor are they unusual. They are all victims of the bedroom tax here in Brighton and Hove. These are tenants we've spoken to. But many others tell us they are simply too frightened to draw attention to themselves, because they are regularly blamed for wrecking the economy, abused and vilified by central government and the press for claiming benefits they are entitled to by law. What is a home? Just four walls and a roof and "decent home standards"? Tenants say no. Our homes should be places where security, continuity, pride in ourselves and our achievements, our memories and our family history are fully respected, just as they are in owner-occupied housing. Our homes should guarantee us a place within a community through a network of ties and responsibilities. All of this is threatened and that's why the bedroom tax is met with such hostility. None of us voted for our homes to become little more than housing units, so that we can be moved about like packages. And as one young Mum put it... "by people whose master bedroom would take up most of the upstairs in my house!... All our houses are so small anyway, and they are telling us we might have to move again and again. How do you put down roots like that, and what's the point of putting any money into your home? What if we get sick and we lose our jobs?" When it is private sector housing where vastly more under-occupation takes place, why is it poor people in public sector housing who are targeted? Why is the housing benefit bill blamed on us? We're not the private landlords that central government is happy to see making a killing out of the housing shortage. Where are the rent controls? We, the least well off are blamed, when we live in a country stuffed full of private half-empty mansions, second homes, and holiday homes. The government is ducking any responsibility for this housing crisis and refusing to invest in social housing, which would create desperately needed jobs, as well as homes. The

report before this committee was written for an administration that say they are committed to a 'No Evictions' policy Let's be clear what it says...Para 3.8. If you won't pay we will evict you. Para 9.1. We will chase your debts even after eviction. Para 9.2. We will use debt recovery agencies. Para 3.6. We will take money directly from your benefits. Para 3.7. People will be pressurized to pay off their bedroom tax arrears, even if they wish to downsize. Paras 2.3-2.4. This report proposes adding £70,000 to the DHP, dependent upon the permission of the Sec of State. This would be only 10% of the amount people are losing. Paras 3.12-3.14. There is no guarantee to take further action after this initial money runs out. Para 3.2. The report re-states that the council will be using ALL its powers to recover our rent arrears. Para 3.11. There is no intention to defy the government. This is not a report about defying an unjust law. This is not a report planning how to defend the weakest and most vulnerable people in our society. This is not a report that suggests any plans whatsoever for an alliance between tenants and their council to defend tenants from the tax and get rid of it. It is a report planning how to do the government's dirty work for them, in a locally appropriate way. It is a report which will lead to further misery, family break-up, illness, legal persecution, premature death and even suicide amongst the people the council has the strongest duty to protect.

THIS IS WHAT THE COUNCIL SHOULD DO

- § *State publicly and repeatedly that no evictions of council tenants will, under any circumstances, take place for arrears of bedroom tax. Promise to do all in your power to defy this unjust tax. Remind council staff that they have no moral obligation to enact an unjust tax and encourage them to defy it. Encourage them, too, to defy any of their managers who bully them to implement the tax in any way...for instance, by sending out intimidating letters to tenants...by taking part in appointments with tenants to pressurise them to pay the tax, or to move home inappropriately...by organising debt recovery measures...by blocking tenants in arrears from participation in the Homemove transfer system...and so on.*
- § *Encourage council staff to meet together to plan how to support tenants' defiance of this tax. Actively encourage their trade unions to support them.*
- § *Encourage council staff to use all their meetings with tenants to support them in their defiance of this tax.*
- § *Extend the deadline for appeals by a further month and provide clear and simple information to tenants about how to appeal and upon what grounds they may do so.*
- § *Reclassify housing by counting a 'spare' bedroom as other householders do- as a vital study room / storage space / guest room / sick room.*
- § *Block any restrictions upon tenants in arrears from transfers in the Homemove system.*

If the Council does not agree to these simple measures of solidarity and protection for tenant victims of this tax, then the radical sounding resolution proposed to this Committee will, if passed, be no more than hot air !!

68.4 The Chair and the Committee members all thanked Ms Pilbeam for presenting the deputation.

68.5 RESOLVED – That the deputation be noted.

69. ISSUES RAISED BY COUNCILLORS

69.1 There were no Petitions, Written Questions, Letters or Notices of Motion.

70. MINIMISING THE RISK OF EVICTIONS CAUSED BY THE HOUSING BENEFIT SOCIAL RENTED SECTOR SIZE CRITERIA

70.1 The Committee considered the report of the Executive Director Environment Development and Housing. Ms Dafe, Head of Income Involvement & Improvement, presented the report.

70.2 Councillor Farrow referred to paragraph 3.7 and asked how the advice to tenants could be implemented. Ms Dafe said that it was accepted that not everyone who wanted to move would be able to, but many were moving for the first time or applying for a mutual exchange. Councillor Farrow asked how many were moving. Ms Dafe said she didn't have the exact information with her, but around half of the affected tenants had indicated that they wanted to move. Some tenants had said that they would rather stay in their home and find other ways to meet the rental shortfall.

70.3 Councillor Jarrett asked how situation was being monitored. Ms Dafe said that all those affected were being visited by Housing staff. The Financial Inclusion Team was ensuring that people were receiving the correct financial advice. In some cases, this had led to positive changes with people finding they were entitled to additional benefits. How other local authorities were dealing with the changes was also being monitored.

70.4 Councillor Mears referred to paragraph 3.12 and said that Area Panels were normally consulted first and then a report brought back to the committee, and asked why that had not happened. Paragraph 3.8 provided information on the support services put in place, and Councillor Mears noted that there would be cost implications and asked if the money was coming from the General Fund. Paragraph 3.9 provided information on provision from the Council's Financial Inclusion Strategy, and asked if that was also coming from the General Fund or the Housing Revenue Account (HRA). The Chair said that she had asked that the Area Panels be consulted, but was advised by officers that there wasn't time to hold them before this meeting. The solicitor said that there was no legal requirement for the Area Panels to be consulted. Ms Dafe said that the Learning and Participation officers were funded from the HRA, but other support was funded from both the HRA and the General Fund. Ms Chapman, Head of Financial Services, said that the 2013/14 budget had identified £150k funding from the HRA.

70.5 Councillor Powell referred to paragraphs 3.7 to 3.9 and said that whilst she was sure officers were doing their best to help those affected, asked if the council had taken into account the length of time it could take for someone who was not working to get back into employment, or the fact that someone could lose their job and unexpectedly become unemployed. Mr Raw said that the circumstances of each person affected varied, but the council were working with a number of partners to ensure the right support could be given. Ms Dafe said that the council were trying to help individuals return to work. This included working with the Job Centre Plus, helping access apprenticeships, arranging work placements and voluntary work etc. The Chair added that the authority were aware that there were a limited number of jobs available.

- 70.6 Councillor Jarrett said there had been a suggestion that there had been bullying from some members of staff towards others to get them to carry out unpleasant actions. Mr Raw said all staff should adhere to the corporate values and policies of the council and if any member of staff were found to be bullying people the appropriate action would be taken.
- 70.7 Councillor Farrow said that it was important to do something to help those affected, but he had concerns that asking the Secretary of State for consent to use £70k would only amount to around £70 for each person. Policy and Resources had agreed to allocate £1m for emergency funding, but there had also been £1.4m of cuts. The Council needed to be part of a national campaign on this matter.
- 70.8 Councillor Jarrett said that whilst the recommendations in the report fell short of what he'd hoped he was pleased that a report had been brought to the committee. He agreed with Councillor Farrow that a national campaign on this issue was needed.
- 70.9 Councillor Mears referred to the Financial Implications in the report, and said that whilst officers would have advised on what could and couldn't be done legally, she was concerned over the legality of using £70k from the HRA budget. Agreement would be needed from the Secretary of State, and in any event the sum of £70k was only a token gesture.
- 70.10 Councillor Mears noted that in 2008 the then Labour government had implemented exactly the same criteria for reduction in Housing Benefit for those in the private sector. The Green and Labour councillors had not sought to bring in similar measures to assist those affected then.
- 70.12 Councillor MacCafferty said that the 'Bedroom Tax' was a cruel measure, which would affect many tenants. He felt that the report did not go far enough and it was important to reassure tenants that the Council was doing what it could to assist them. Councillor MacCafferty proposed an amendment to the Recommendations in the report. The amendment was seconded by Councillor Wakefield. The Green Party Amendment read:
To add two further recommendations:
1. That for a transitional period until 1st April 2014, where (i) all other avenues have been explored, and (ii) transfer is the only option but there are no suitable properties to transfer to, and (iii) where it is possible to clearly identify that arrears are solely due to the under-occupancy penalty; officers will use all means other than evictions and bailiffs to recover rent due.
 2. That cases that meet these three criteria should not hinder a tenant from moving to another council property.
- 70.13 Councillor Mears referred to the second amended recommendation, and said that she understood that under the terms of a tenancy agreement the tenant could not move if they were in arrears, and asked for legal clarification. The solicitor said that that was correct, but that the Council also had discretion to allow a tenant to move where appropriate.

- 70.14 Councillor Farrow thanked Councillor MacCafferty for the amendment, but was concerned that it was only provided minutes before the meeting started. He said that he supported the amendments, but asked what would happen after April 2014.
- 70.15 Councillor Fitch said he was concerned that policy was being made 'on the hoof' and that was not the appropriate way to do things. The Chair had been advised that there wasn't enough time to properly prepare a report, and he was concerned that the matter wasn't being addressed properly, and that £70k was insufficient. Councillor Fitch said he would support the amendment as he felt that something had to be done to assist people. It was essential that tenants were consulted.
- 70.16 Councillor Jarrett apologised that the proposed amendments were only distributed immediately before the start of the meeting. The administration would look at what could be done, but it was important that something be put in place now. The recommendations covered the period up to April 2014, as that was when Universal Credit would be brought in, and the budget for 2014/15 would be considered.
- 70.17 Councillor Peltzer Dunn thanked Councillor Jarrett for the clarification. Councillor Peltzer Dunn asked whether, if a tenant was seeking a mutual transfer to another authority and they were in arrears with their rent, whether that would be disclosed to the other authority. Councillor Peltzer Dunn said that if someone were in arrears with their rent, it would need to be established whether the shortfall was solely down to the reduction in housing benefit, as the authority had a responsibility to all tenants. Councillor Peltzer Dunn said there was merit in the amendments and regretted that they had not been included in the report.
- 70.18 Councillor Mears said that she supported the amendments, but was concerned that tenants had not been consulted, and trusted that that would be done. Councillor Mears asked for clarification on whether the criteria used to limit housing benefit in the private sector in 2008, was the same criteria which was being used for social housing. Ms Dafe confirmed that it was.
- 70.19 Councillor Jarrett apologised that tenants hadn't yet been consulted but there were compelling reasons to take the report to this meeting. Tenants would be consulted and their comments would be noted.
- 70.20 The Executive Director Environment Development and Housing referred to the first part of the proposed Green Group Amendment, which read '*officers will use all means other than evictions and bailiffs to recover rent due*', and said that the had not been covered in the Financial Implications provided in the report, and members needed to be aware that there could therefore be some potentially challengeable issues. The Council undertook very few evictions and as the landlord it would always be the last resort. As discussed, the report and implications would be referred to the Area Panels and there would be opportunities in the future for officers to provide the financial implications on the proposed amendment. The Chair thanked Mr Raw for the advice but noted that policy was rarely made without taking risks. Councillor Fitch asked whether, given the financial issues, the report would need to be considered by the Policy and Resources Committee. The Chair said that her understanding was that it would not. Mr Raw said that the financial issues were within the capacity of the Housing Committee.

70.21 The Committee voted on the Green Group Amendment 1, and they were agreed.

70.22 RESOLVED:

That the Housing Committee

- (1) Note the Council resolution in relation to the Housing Benefit social rented sector size criteria attached as Appendix 1 to this report.
- (2) Request Area Panels consider the Notice of Motion and the proposals contained in this report so that their feedback can be considered by Housing Committee (via Housing Management Consultative Sub -Committee) during autumn 2013.
- (3) Earmark £70,000 on a one off basis from the Housing Revenue Account, to support urgent initiatives to minimise the risk of evictions.
- (4) That for a transitional period until 1st April 2014, where (i) all other avenues have been explored, and (ii) transfer is the only option but there are no suitable properties to transfer to, and (iii) where it is possible to clearly identify that arrears are solely due to the under-occupancy penalty; officers will use all means other than evictions and bailiffs to recover rent due.
- (5) That cases that meet these three criteria should not hinder a tenant from moving to another council property.
- (6) That the consent of the Secretary of State be sought to use that funding to support additional dedicated Discretionary Housing Payments (DHP) for council tenants, supplementing the council's overall DHP fund.

71. HOME ENERGY EFFICIENCY OPTIONS - UPDATE

- 71.1 Mr Reid, Head of Housing Strategy, provided an update on Home Energy Efficiency Investment Opportunities, Solar PV and Green Deal. Mr Reid looked at the strategic context and said one of the key strategic priorities outlined in the Citywide Housing Strategy 2009-14 was to improve housing quality. The Strategic goals under this priority included reducing fuel poverty, minimising CO2 emissions and improving tenants' homes ensuring they were of high quality and well maintained. Identifying funding and investment opportunities for home energy efficiency improvements, in order to maintain the high standards of the previous BEST funded programme, was a challenge which must be faced. With less central government funding available, the authority was looking to access alternative funding. The options available were Feed in Tariffs, HRA Capital Programme and the Green Deal and Energy Company Obligation. More information would be provided at future meetings of the Housing Committee.
- 71.2 Councillor Jarrett asked that when the matter comes back to the committee, technical information and unit costs be provided. Mr Reid agreed.
- 71.3 Councillor Mears thanked Mr Reid and said that it was useful to have regular updates. Councillor Mears noted that the previous administration had agreed to have a number of Solar PV installed, which would have benefited tenants and raised £9m. However, the

current administration had delayed the implementation and so doing lost tenants money. Councillor Jarrett stated that it could not be implemented at the time as details were still being worked on, and the government had then slashed the tariff which had made it no longer financially viable.

71.4 The Committee noted the presentation.

72. ITEMS REFERRED FOR COUNCIL

72.1 The Chair suggested that item 70 be referred to Council. The Committee agreed.

Councillor Peltzer Dunn noted that the meeting may be the last one Chaired by Councillor Wakefield, and thanked her being an excellent Chair. Councillor Mears thanked Councillor Wakefield for Chairing the Committee over the last two years, and wished her well for the future. Councillor Farrow also thanked Councillor Wakefield for her role as Chair.

The meeting concluded at 6.15pm

Signed

Chair

Dated this

day of