

**BRIGHTON & HOVE CITY COUNCIL****HOUSING & NEW HOMES COMMITTEE****4.00pm 13 JUNE 2018****HOVE TOWN HALL, COUNCIL CHAMBER****MINUTES**

**Present:** Councillor Meadows (Chair); Councillor Hill (Deputy Chair), Gibson (Group Spokesperson), Atkinson, Barnett, Bell, Druitt, Janio, Lewry and Moonan

**PART ONE****1 PROCEDURAL BUSINESS****1a) Declarations of Substitutes**

1.1 Councillor Janio substituted for Councillor Mears.

**1b) Declarations of Interests**

1.2 There were no declarations of interests.

**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 not be excluded from the meeting during consideration any items on the agenda.

**2 MINUTES OF THE PREVIOUS MEETING**

2.1 Councillor Bell, on behalf of Councillor Mears queried paragraph 83.5 on page 30, third bullet relating to Options for the Future Delivery of Housing Repairs, Planned Maintenance and Capital Works. As a result this would now read "The work being carried out was welcomed but it needed to be recognised that unless the contract was managed in a proper way, there could be *mistakes* in the future".

2.2 Councillor Hill referred to paragraph 83.7. This should now read "Councillor Hill observed that it was a large contract and she hoped that the council could be open to

having different parts of the service let to different contracts *and that the council could give more power to tenants and leaseholders.*”

- 2.3 **RESOLVED** - That the minutes of the Housing and New Homes Committee meeting held on 14 March 2018 are agreed and signed as a correct record, subject to the amendments outlined above.

### 3 CHAIRS COMMUNICATIONS

- 3.1 The Chair stated the following:

“As we move ahead into the summer, I have been very pleased with the progress we are making on our new homes programme. I was pleased to attend the official opening of Kite and Brook Mead, our excellent extra care scheme, and hear first-hand from the residents what a real difference it has made to their lives. I was also pleased to visit our new schemes at Stonehurst Court and Normanhurst, both schemes finished to a high standard. I was also pleased to hear about our proposals for new homes at Swallow Court, Evelyn Court and Woods House to make the best use of currently underused space through our hidden homes programme,

Although we have had a slow start, I am pleased that we have completed the purchase on our first buy back of council housing, are nearing completion on our second and have 5 further purchases in the pipeline. This will bring much needed accommodation back into council ownership.

This, in addition to another year of improved performance of bringing empty homes back into use means that we are increasing supply in many different ways.

I am also pleased to report the excellent work we are doing to enable people to live independently in their own home through our adaptations programme. The team completed 228 major adaptations to council homes last year, increasing from 183 in the previous year and we have invested over £1 million helping people to live independently in their own home.

I am pleased to be working in cross party groups on the new arrangements for the delivery of council housing repairs and major works and the review of our allocations policy and I look forward to this work continuing and providing reports to this committee in the coming months.”

### 4 CALL OVER

- 4.1 It was agreed that items 7, 9, 11, 12, 13 and 14 be reserved for discussion. Items not reserved (items 8, 10 and 15) were taken as having been received and the report's recommendations agreed.

## 5 PUBLIC INVOLVEMENT

### Petitions

5.1 There were no petitions.

### Questions

5.2 Barry Hughes asked the following question on behalf of Jane Thorp:

#### **Park Court**

“Residents at Park Court flats were given an estimate for a replacement roof in 2014 of £30,000. In 2018, the work is being done and the cost is £70,000. How is it that a cost can rise by more than 100% in such a short space of time?”

5.3 The Chair replied as follows:

**“Thank you for your question. There has been no question that the roof at Park Court requires replacement. As part of our commitment to more openly engage with leaseholders we have been sharing our costs for this work prior to our formal consultation. Our present cost for Park Court roofing works as an Agreed Maximum Price is £70,160.00; this cost includes works to balconies. It needs to be made clear that this price is an estimated maximum and actual final billed costs may be lower. This follows a formal tendering exercise and checks on costs made by council quantity surveyors.**

**The Agreed Maximum Price is based on tender responses checked by our quantity surveyors. Earlier estimates made some years ago were based on different specifications and a view of market availability of contractors and / or rates at that time.**

**I understand that observations on this cost received to date from a surveyor acting on behalf of a leaseholder has commented on the inclusion of balconies in these works but not on costs of roof replacement or the necessity of works.”**

5.4 **RESOLVED-** That the Public question be noted.

5.5 Maria Garrett-Gotch asked the following question on behalf of John Hadman:

#### **Solar Panels on Council Property**

“Households across the UK had money added to their energy bill to be used to improve efficiency of homes.

I would like to know when a council property or home is built or improved, why solar panels are not put in place.

This would provide many savings, lowering energy bills for tenants and lowering energy bills for the running of council properties. Hove Town Hall is one example of a recent renovation which has not taken the opportunity to reinstall solar panels.

What are the Councils plans around ensuring this money and environment saving solution is taken up and how are such plans to be an integral part of the HRA Energy strategy?”

5.6 The Chair replied as follows:

**“Thank you for your question. The Council has a track record of successfully installing solar panels on our housing stock, with approximately 400 installs in place. These have been funded in part by the feed in tariff. As the subsidy has reduced the programme of install on existing properties has had to be slowed down. However, we are continuing to look at ways to carry out installs that maximise the benefits to residents and prove to be value for money for the Council, we have recently been successful in applying for EU funding for the Solarise project that will allow us to explore, through 3 pilot installations, different technological solutions to help us examine this. This approach is aligned to the recently approved HRA Energy Strategy which aims to tackle high and increasing energy costs for residents. Solar panels are installed on new builds where feasible, such as the recently opened Kite Place where a large array has been installed.**

**I am advised that there was an additional 15KW array installed at Hove Town Hall when it was refurbished, bringing the total capacity to 43KW.”**

5.7 **RESOLVED-** That the Public question be noted.

5.8 David Croydon asked the following question:

**Housing computer system**

“May I ask why the IT procurement report does not mention the fact that a software professional of some 40 years experience, along with another tenant also with some decades experience, offered to help in the scoping of the new system through the Business & Value for Money SIG and that this input was refused?”

5.9 The Chair replied as follows:

**“Thank you for your question. You are correct that the report does not specifically say that support was offered by a leaseholder. I was, however disappointed that you feel that tenants and leaseholders are not involved with the IT procurement. We are working closely with the Business and Value for money Service Improvement Group to identify what tenants and leaseholders want from the new service and will have tenants and a leaseholder on the panel to evaluate the bids, test the system and will be involved in letting the contract. In addition we have accepted the kind offer of a leaseholder who has significant IT experience to work alongside our technical teams in relation to the technical side of the contract.”**

5.10 **RESOLVED-** That the Public question be noted.

5.11 Sophie Hudson asked the following question on behalf of Steve Parry:

**Independent review of existing partnering contract for housing repairs, maintenance, planned and major works**

“This report and the full publication of the 31ten report are to be welcomed. There are, however, questions (of many) that require attention at this stage; will the Committee agree

- That discussion at this meeting is the start of a process that involves the widest possible number of residents, councillors, and experts with a final response made at a future meeting?”

5.12 The Chair replied as follows:

**“Thank you for welcoming the report and the publication of the review.**

**As agreed following reports to Housing & New Homes Committee, the council undertook to commission a review of the Repairs & Improvement Partnership to identify improvements that would benefit the partnership, residents and stakeholders. The review included consideration of the current working arrangements, reporting processes and interactions between Council and Mears staff and potential recommendations as to how the partnership can be improved and strengthened moving forward.**

**These recommendations and progress against them are detailed in the action plan appended to the report.**

**In addition to sharing this report and its recommendations with Housing & New Homes Committee, the report is clear that the review will be shared with the Partnership Core Group, including residents, for consideration along with the agreed action plan and ongoing review.”**

5.13 **RESOLVED-** That the Public question be noted.

5.14 Charles Harrison asked the following question on behalf of Clare Hudson:

**The future of repairs and maintenance of council properties**

“This report provides the remarkable and eye-opening revelation that “The primary options detailed in the report are set out as follows:

Direct delivery of the services

Outsourcing

Wholly-Owned Subsidiary/Managed Service model

Joint Venture Company”

Would it be possible to explain why consultants are paid to tell councillors and residents something of which they are aware and why this agenda item is not part of item 11?”

5.15 The Chair replied as follows:

**“Thank you for your question. The budget for and procurement of resources to support consideration of options for the future delivery of housing repairs and maintenance once the Mears contract ends were agreed by Committee for inclusion in the 2018/19 Housing Revenue Account Budget.**

**The delivery of an effective repairs, planned maintenance and capital works service is hugely important to all councillors and residents. The independent review of the current contract was clear that the council needs to carefully consider all available options before making a decision on how the service should**

be delivered in the future. All parties have been effectively engaged with the programme to date and have met with the consultants supporting this work to ensure that all the options available are fully understood and assessed.

The consideration of delivery options do have significant legal, financial and procurement implications and the consultants, alongside our own officers, have provided excellent input in these areas alongside sharing their insight on the current market for these services through both their report and their discussions with the Procurement Advisory Board as detailed in Agenda Item 12 today.”

- 5.16 Mr Harrison asked the following supplementary question:  
“Are we right in assuming that there is a detailed specification for this report and a list of deliverables.”
- 5.17 The Executive Director for Neighbourhoods, Communities & Housing explained that there was not yet a detailed specification for what would be going forward. This was because the council were working with tenants, leaseholders, trade unions, technical staff and councillors to come up with that detailed specification. There would be a report submitted to a future committee which would detail options on delivery. However the report which Mr Harrison referred to (agenda item 11) was about the current council contract. Agenda item 12 set out what the council were intending to do with consultation and the position statement going forward. The council did not yet have the information Mr Harrison requested because officers were still working with residents to define what that specification looked like.
- 5.18 **RESOLVED-** That the Public question be noted.
- 5.19 Nicky Harrison asked the following question on behalf of Kenny Lloyd:

**Borrowing to build**

“Could the committee please explain why a potential £30 million permitted within the amount allowed by the current government limits is not being accessed by B&HCC?”

- 5.20 The Chair replied as follows:

**“Thank you for your question. As at 1<sup>st</sup> April 2018, the HRA had an estimated £31m of permitted borrowing ‘headroom’. The council has been developing its capacity to deliver new homes and has now successfully delivered 11 new build projects; with further projects onsite, in planning and at the design stage.**

**The Council is developing a pipeline of projects for the next phase of the programme and undertaking initial assessment and feasibility analysis of sites. These plans have been reported to the Estate Regeneration Member Board and the potential to increase delivery capacity in the Estate Regeneration and Housing teams is also being actively considered.**

**With the prospect the HRA cap being lifted and some Members concerns at the higher cost of delivering smaller constrained sites, officers are developing the direct pipeline further with a focus of larger sites (10 homes and over). This work is ongoing and projects will be reported into the Board as they progress. Current schemes in progress and pipeline schemes will mean that the HRA breaches its**

**borrowing cap beyond 2022/23 and will need to bid for borrowing levels to be increased, once the Government announces the method for doing so.”**

5.21 **RESOLVED-** That the Public question be noted.

5.22 Sophie Hudson asked the following question on behalf of Daniel Harris:

**Evictions from Emergency Accommodation**

“Could you confirm the breakdown showing the accommodation providers responsible for the following evictions?”

1. 1/4/17–30/6/17 (Reported 7 cases) and the same for previous period. (Reported 9 cases)
2. 1/7/17 –30/9/17 - (Reported 7 cases) and the same for previous period. (Reported 8 cases)
3. 1/10/17 –31/12/17 - (Reported 9 cases) and the same for previous period. (Reported 12 cases)
4. 1/1/18 –31/3/18 - (Reported 10 cases) and the same for previous period. (Reported 21 cases)

Of these eviction cases how many have registered disabilities? Could you also explain why the Baytree is not included the report?”

5.23 The Chair replied as follows:

**“Thank you for your question. I can confirm the following.**

**Period 1 Baron Homes had 5 evictions, , Helgor Trading had 2 evictions, Colgate and Gray had no evictions**

**Period 2 Baron Homes had 4 evictions, , Helgor Trading had 3 evictions, Colgate and Gray had no evictions**

**Period 3 Baron Homes had 1 eviction, Helgor Trading had 2 evictions and Colgate and Gray had 6 evictions.**

**Period 4 Baron Homes had 5 evictions, Helgor Trading had 3 evictions and Colgate and Gray had 2 evictions.**

**It would take us some time to extract the breakdown of the figures in this way for 2016/17 as we do not hold the information in this format but would need to manually search. Overall the numbers of evictions as against placements have reduced since 2016/17.**

**We do not hold records of whether those evicted were registered disabled. This would require manual searching through the records of those who were evicted. However the needs of each household are fully taken into account at the time of the eviction as part of the assessment to determine whether the housing duty is discharged and or whether there are any on-going duties under the Care Act.**

**The Baytree Hotel is included in the report as it is part of Helgor Trading.”**

5.24 Ms Hudson referred to her own personal circumstances and the Chair informed her that she could not discuss personal information in a public meeting and Ms Hudson

would have to have a personal discussion with the appropriate officer outside of the webcast meeting.

5.25 **RESOLVED-** That the Public question be noted.

5.26 Maria Garrett-Gotch asked the following question:

**Malnutrition among residents in temporary and emergency accommodation**

“At the committee meeting on 14 March 2018 a question was asked regarding cases of malnutrition of residents in temporary and emergency accommodation provided by B&HCC or agencies contracted by the Council? The response was that “The Housing Needs Team has had no reports of malnutrition amongst residents in temporary and emergency accommodation”

I understand that the council is now aware of such cases. Could the Chairperson explain what action is being taken to remedy this situation?”

5.27 The Chair replied as follows:

**“Thank you for your question; this is something which is of great concern to me. I have asked our staff for information about specific cases, however the support workers we have working in emergency accommodation and housing staff have not been made aware of any cases of malnutrition. I am aware that members of Brighton Housing Coalition have been made aware of a list of residents and I would strongly urge them to share it with me or officers so the residents can be referred to relevant service and helped.”**

5.28 Ms Garrett-Gotch commented that when residents had shared information they were told it was a breach of data. She asked a supplementary question:

“It has come to our understanding that the meals on wheels contract had come to an end with BHCC. What would replace this and were there any provisions for the city’s food poverty action plan for people who were living with malnutrition in your accommodation?”

5.29 The Chair replied that meals on wheels was the responsibility of Adult Social Care. Ms Garrett-Gotch’s supplementary question would be referred to the Health & Wellbeing Board.

5.30 **RESOLVED-** That the Public question be noted.

5.31 Barry Hughes asked the following question:

**Sheltered Accommodation/Allocations Policy**

“At one time tenants in the council’s sheltered schemes could move when vacancies occurred. Recently a scheme tenant on the third floor (who was unwell) heard that a ground floor flat had become vacant. Upon enquiring if she could move to the ground floor she was told to apply via the Homemove scheme. She was unsuccessful. Allocations Scheme changes in 2016 included “10% council interests”. Would the Committee please rule that moves within a community qualify under this change, thus allowing tenants to identify a vacant property and apply to move to that property without going through the Homemove process?”



5.32 The Chair replied as follows:

**“Thank you for your question**

**A Local lettings plan (LLP) was in place up to December 2016 whereby if an applicant has to have an assessed “need” to move they would qualify for a move under the Local Lettings Plan.**

**As part of the allocations policy review all transferring sheltered cases were reassessed and there was only one case that qualified under the old local lettings plan and they have successfully moved under the new allocations policy. I am not able to comment on the case mentioned; however we have a cross party working group reviewing the allocations policy and I will ask that local lettings plans for sheltered accommodation is considered as part of this.**

**In respect of the 10% council interest queue.**

**The council’s interest queue is within the allocations policy and is for cases nominated by Children’s and Adult Social services only. The queue is allocated 10% of properties. All allocation of accommodation must to be done via the policy and applicants must be on the Homemove scheme. This is a legal requirement when allocating properties.”**

5.33 As a supplementary question, Mr Hughes asked that given that there was a Cross Party Working Group; would it be possible for tenants who identify a vacancy within a community (not just sheltered schemes) to be provided with guidance to avoid the added anxiety of the rather random system of the Homemove Scheme?

5.34 The Executive Director, Neighbourhoods, Communities & Housing explained that the Homemove Scheme might appear random; however, it used a banding process. When a number of people would like a particular property, the fairest way of allocating the property was to do this through the allocations scheme. If people had concerns they could always phone up the Homemove Customer Services Team who could advise them. Officers were also working with the Sheltered Scheme Managers for people who were already in sheltered accommodation and who would like to move. Officers could support them in explaining the scheme to them. The council wanted to encourage the maximum number of people to understand the scheme so it could ensure nobody had to go through unnecessary anxiety.

5.35 **RESOLVED-** That the Public question be noted.

### **Deputations**

5.36 The Committee considered the following deputation which had been submitted by David Croydon – (presenting), Charlotte Rogers, David Green, Michael Green, Michael Bushby, Madeleine Sailani, Keith Marston, Ghebrat Kahsay, Violeta Belogaska, Shula Rich, Alan Bryan, Barbara Roberts and Stewart Gillies.

### **Deputation - Bristol Estate**

“Brighton and Hove City Council leaseholders and tenants throughout the City, particularly in blocks of flats, have been subject to costly major works that in some cases is of poor quality and unnecessary. Individual leaseholders have been presented with

demands for payment of sums in excess of £30,000 with similar sums being paid from the Housing Revenue Account for each property.

'Justice for Tenants', an affiliate of the Brighton and Hove Housing Coalition, is aware of residents who have lost their homes or have sold at a loss. Others have suffered serious health issues as a result of the stress or the effect of the work on their day to day living conditions.

The Council has spent tens of thousands of pounds on aggressive legal action against all leaseholders in 5 blocks (known as "phase 2") on the Bristol Estate.

At the initial hearing of the Tribunal, as well as beforehand, the leaseholders urged the council to meet with them to discuss grievances or to go to mediation. Many were still involved in following the council's own disputes procedure. At the hearing the presiding Judge highlighted the mediation facilities available. The Council representative refused to talk, to go to mediation, or even to complete the council's own local dispute procedure.

**We urge councillors to make every effort to discuss the present dispute with leaseholders and request that officers be instructed to exhaust the BHCC dispute process and mediation prior to any tribunal hearing."**

5.37 The Chair responded as follows:

**"We acknowledge the Deputation.**

**As we have previously stated at this committee all but 12 of the 39 leaseholders involved have already made arrangements to meet the charges which they have been asked to pay.**

**The outstanding sum of money is approximately £400,000 and was due to be paid over two years ago.**

**This is money that has been spent by the Housing Revenue Account and money that would otherwise be of benefit to the tenants of Brighton and Hove City Council, in a difficult financial period. All leaseholders disputing payment have been given the opportunity to deal with matters through a dispute resolution process.**

**As outlined in the deputation the council's position was put forward at the initial meeting of the tribunal. Mediation was not appropriate at that stage as the council needed a binding decision in respect of all the long lessees which would be difficult to obtain via mediation.**

**The tribunal process is now underway and the tribunal issued their directions in March. A hearing is scheduled for September but there remains scope to seek to come to an agreement ahead of the hearing if that is possible."**

5.38 **RESOLVED:-**

(1) That the deputation be noted.

5.39 The Committee considered the following deputation which had been submitted by Michael Fitzpatrick – (presenting), Diane Montgomery, Sheila Rimmer, Caroline Hinds, John Hadman, and Duncan Moore.

**Deputation from the Living Rent Campaign on using borrowing available to build truly affordable council housing**

“Given that the council has only used a quarter of the money available under the HRA borrowing cap in the last 3 years the living rent campaign are urging housing committee to “get on with it” and use this large resource of over £30 million that is still available to tackle the city’s housing crisis.

We are dismayed to discover that an average of only £3.5 million net borrowing has been used over the last 3 years from a potential of £40 million. It is no good campaigning to raise our borrowing cap, if the council don’t use the borrowing already allowed up to the cap limits!

Over the last 20 years, on average, around 80 council homes a year have been lost to the right to buy in Brighton and Hove and it is vital that these homes are not only replaced, but more are made available.

There are over 15,000 households on the waiting list. Brighton has the 2<sup>nd</sup> highest number of rough sleepers in the whole country and 1 in 69 people are rough sleeping or in temporary homeless accommodation. Homelessness is being fuelled by high private sector rents. An average 2 bed private rented flat is estimated to cost around £15,500 a year which swallows about 60 % of the median income of households living and working in the city. People are being driven out of the city they grew up in. Low income households urgently need new homes at Living rents and social rents and only the council will be able to do this

The number of affordable homes provided in Brighton and Hove has dropped from 239 in 2014/15 to an estimated 131 for 2017/18 and as housing associations do less, the council is increasingly central to providing affordable homes for the city. It must get its act together better.

It is a scandal that as of the 1<sup>st</sup> of April this year the council still has over £30 million available to put toward building new homes. The council are sitting on a goldmine. We urge you to show the will and competence to get on and spend this money over the next 2 years. If you don’t the people of Brighton will not forgive you.”

5.40 The Chair responded as follows:

**“Thank you for your deputation. This is similar to the question we have received and a notice of motion. You are correct that on 1<sup>st</sup> April 2018, the HRA had an estimated £31m of permitted borrowing ‘headroom’. The council has been developing its capacity to deliver new homes and has now successfully delivered**

11 new build projects; with further projects onsite, in planning and at the design stage.

The Council is developing a pipeline of projects for the next phase of the programme and undertaking initial assessment and feasibility analysis of sites. These plans have been reported to the Estate Regeneration Member Board and the potential to increase delivery capacity in the Estate Regeneration and Housing teams is also being actively considered.

Current schemes in progress and pipeline schemes will mean that the HRA breaches its borrowing cap beyond 2022/23 and will need to bid for borrowing levels to be increased, once the Government announces the method for doing so.”

#### 5.41 RESOLVED

(1) That the deputation be noted.

## 6 ISSUES RAISED BY MEMBERS

### (a) Petitions

6.1 No petitions were submitted by Members.

### (b) Questions

6.2 The following question was submitted by Councillor Gibson:

“For the HRA Capital Programme for each of the years 2015/16, 2016/17, and 2017/18, please can you provide the total expenditure that was re-profiled?”

6.3 The Chair replied as follows:

“Thank you for your question. I have assumed from your question that you mean the total budget that was re-profiled as we do re profile spend.

In the year 2015/16 the budget re-profiling was £16.4 million. This was made up of works to Existing Stock - £8.975million, New build homes - £6.958 million and conversions - £508,000.

In the year 2016/17 the budget re-profiling was £12.746 million, this was made up of works to Existing Stock - £6.387 million, New build homes - £6.020 million and conversions - £331,000.

In the year 2017/18 the budget re-profiling was 17.954 million, this was made up of Works to Existing Stock - £4.932million, New build homes - £9.714 million and conversions - £1.395million. In addition the home purchase scheme re-profiled £1.763.million.”

6.4 RESOLVED – That the question be noted.

6.5 The following question was submitted by Councillor Gibson:

“For each of the years 2013/14, 2014/15, 2015/16, 2016/17 and 2017/2018 please can you provide the net cost of (i.e. less Housing Benefit income) of spot purchase and short term emergency accommodation?”

6.6 The Chair replied as follows:

**“Thank you for your question, the Net Costs of short term Temporary Accommodation is the following**

**2013/14 £516,000**  
**2014/15 £1.04 million**  
**2015/16 £1.472 million**  
**2016/17 £1.939 million**  
**2017/18 £2,768 million”**

6.7 Councillor Gibson stated that it was very concerning that the net cost had increased by fivefold over the period. He asked the following supplementary question “What confidence can we have and what measures are being taken to reduce the cost as in line with the intention of the Trailblazer scheme”?

6.8 The Executive Director for Neighbourhoods, Communities & Housing explained the two areas that had affected the council’s spend on short term temporary accommodation/emergency accommodation. The intention of the Trailblazer Scheme was to reduce the number of people entering short term temporary accommodation and that had had some excellent early results in helping people so that they did not reach a position of crisis. That piece of work was time bound, however, the Homelessness Reduction Act, which came into effect in April 2018 set in stone the ideas the council had put forward as part of its Trailblazer Scheme, concerning early prevention/early intervention. The council was aware that there would always be people who ended up in a crisis situation and requiring the council’s help. However, the council was confident that with the work it was carrying out it would be able to ensure that for the people affected, nothing could have been done sooner and that their time in short term accommodation was reduced. The other area of work to reduce the short term accommodation was providing more council temporary accommodation to stop the requirement to need the spot purchase of short term expensive accommodation.

6.9 **RESOLVED** – That the question be noted.

6.10 The following question was submitted by Councillor Gibson:

“Please can you list the schemes for new council homes provided in answer to Councillor Lewry’s question to full council on 19th April 2018 which were being actively considered and developed by the estate regeneration board under the previous administration prior to May 2015 (and which were not)?”

6.11 The Chair replied as follows:

**“Thank you for your question. Of the 5 projects detailed in the response to Cllr Lewry’s question to Council in April 2018, one of the schemes - Lynchet Close**

had not being considered prior to May 2015. The other 4 projects (Brookmead, Kite Place, Hobby Place, Kensington Street) were all in the pipeline before this date.

However, the schemes which have been or are being considered and delivered since 2015 are

#### **New Homes for Neighbourhoods**

- **Eastergate Road - 24 homes**
- **Victoria Road - 35 homes**
- **Swanborough Drive - 40 homes**

In addition we have taken forward the following projects to provide council owned temporary accommodation:

- **Stonehurst Court conversion which has delivered 10 family homes (opened May 2018);**
- **Housing Committee have also agreed the purchase of Tilbury Place from Orbit Housing Association and the conversion of the former Oxford Street Housing Office both of which are underway.**

Under our Hidden Homes Programme we aim to make sure we make best use of our Housing Revenue Account assets through conversions / refurbishment of under used or unused spaces within our existing stock into new homes.

Under our Hidden Homes programme we have previously completed 9 new homes.

The conversion of two redundant store rooms at Normanhurst (Albion Hill Estate) into two, two bedroom four person flats, was completed earlier this year.

We are currently working on Hidden Homes delivery at:

- **Swallow Court, Whitehawk, conversion of a former community office into two one bedroom flats and one two bedroom flat;**
  - **Woods house, Sackville Road to covert the former public toilets into a community room and then convert the existing community room into a 1x one level access bedroom for seniors housing;**
  - **43 Manor Hill, a former Mears office, proposals include part conversion and part new build to deliver new council homes.**
- In addition we have identified the following land for the Living Wage Joint Venture.**

**Homes for Brighton & Hove:**

- **Whitehawk Urban Fringe - c. 150 homes**

- **Coldean Urban Fringe - c. 120 homes**
- **Belgrave centre - c. 100 homes**
- **Further site review work continues**

**And finally as I mentioned in chairs communications, we have delivered our first purchase under our buy back policy”.**

- 6.12 Councillor Gibson asked the following supplementary question:  
“Over the last three years compared to the previous three years, has there been an increase or a decrease in the number of affordable homes provided?”
- 6.13 The Chair thanked Councillor Gibson for his supplementary question and stated that he would receive a written answer.
- 6.14 **RESOLVED** – That the question be noted.

### **(c) Letters**

- 6.15 The Committee considered the following letter from Councillor Wares as set out on page 39 of the agenda.

“I am submitting the following letter under Council Procedure Rule 23.3 to be included on the agenda for the Housing & New Homes Committee meeting of 13<sup>th</sup> June 2018. In May 2017 point of use water heaters were installed in flats at Elwyn Jones Court to alleviate the risk of legionella’s disease associated with the communal heaters.

Following those installations residents queried why they were still being charged via their service charge for communal hot water when the point of use heaters were being supplied by electricity that residents paid directly for to their own electricity provider.

On the 29<sup>th</sup> September 2017 the Council confirmed that the service charge would be reduced. The Council have further confirmed that insufficient consultation with residents took place, that lessons needed to be learnt and that a meeting to explain this would be held with residents. The Council offered to reduce the service charge by 20% but have yet failed to provide any justification to this arbitrary value.

For over a year the Council have dragged their heels in dealing with this matter, have yet to adjust the service charge, yet to have the meeting, yet to explain the discount offered and yet to refund any residents.

It is scandalous for this situation to exist and for elderly and vulnerable residents in the Council’s care to be treated this way. It is entirely unacceptable for the Council to procrastinate over the discounts due and the refunds to be withheld.

In a letter copied to me by a resident they signed off by saying (name withheld), “aged 86 and trying to stay alive long enough to get my refund and reduced charges”. It is a shameful and disgraceful situation that compels residents to say this.

To that end, I respectfully request that The Executive Director – Neighbourhoods, Communities and Housing be requested to bring an immediate end to this protracted debacle, provide residents with a fully justifiable discount to their future bills and refund all monies improperly and inappropriately taken from pensioners in this Council's care together with commensurate compensation.

It is further requested that The Executive Director – Neighbourhoods, Communities and Housing prepare a report for Audit and Standards Committee fully explaining the background to this matter, consider the lessons learnt and consider appropriate changes to prevent a repeat of this wholly unacceptable situation.”

6.16 The Chair replied as follows:

**“Thank you for your letter.**

**I am sorry that the residents of Elwyn Jones Court have suffered as a result of the service they have received from the council. I was aware of this before I received your letter and instructed officers to act to resolve matters.**

**I am aware that the Head of Housing Strategy, Property and Improvement sent a letter on 21 February 2018 to the residents at Elwyn Jones Court following an initial review of this matter.**

**The works to install individual water heaters at Elwyn Jones Court were undertaken to mitigate a potential health & safety risk.**

**However, we recognise that we should have undertaken a much wider consultation and impact assessment exercise with residents prior to moving forward with this solution.**

**In our letter, we formally apologised that this did not happen.**

**We have always accepted that residents impacted are due a credit on their rent account from the time when the individual water heater was installed. Reduction in the heating charge has now been applied to the relevant rent accounts at Elwyn Jones Court.**

**These adjustments have generated a credit amount depending upon the installation date.**

**The delay in rent account adjustment is not acceptable but arose from:**

- **Some time being taken to review, estimate and agree the reduction in service charge for those residents with point of use heaters in their flats;**
- **The need for the Rent Accounting Team, who credit the accounts, to prioritise sending out the new 2018/2019 service charges to all tenants at the turn of the financial year.**



The service charge for those residents with point of use water heaters in their flats has been reduced by 20%, a reduction of £2.06 per week for a one bedroom property and £2.18 per week for a two bed property.

As agreed, and having made the rent account adjustments, we met with residents at Elwyn Jones Court on 6 June to directly convey our sincere apologies, discuss the new water heaters and lessons to be learned going forward.

While not all residents may have concerns with the new point of use hot water heaters, the majority of residents who we engaged with at the meeting raised issues. These are summarised below.

- Residents are seeking a lump sum credit rather than an account adjustment;
- Residents are querying the calculation of the 20% reduction;
- Issues of poor customer service were raised. In particular, why have we taken so long to acknowledge and sort issues out;
- Lack of consultation and equalities impact assessment on both works themselves and the wider impact of works, was a concern. In particular, the effect on resident electricity bills;
- Issues with the operation of the point of use heaters themselves were also raised.

Officers have collated these comments, and will respond with a further letter to all residents and return for another meeting at Elwyn Jones Court to further review matters, actions and lessons learned.

In addition to responding to residents at the meeting, officers have also undertaken to discuss matters further and/or visit individual residents as requested.

I am aware that lessons have been learned from this unfortunate incident and I would like to personally thank the residents of Elwyn Jones Court for their patience and sincerely apologise for the inconvenience and distress caused to them.”

#### 6.17 RESOLVED:

That the letter be noted.

#### (d) Notice of Motion

#### 6.18 The Board considered the following Notice of Motion, submitted by Councillors Gibson and Druitt:

“This Committee notes that over the last three financial years £10.5m (net) of the HRA’s allowable £41m borrowing capacity has been used. This equates to an average of £3.5m a year. This leaves £30.5m of resources available to housing that has not been used.

This Committee further notes it is proposed in the current financial year to borrow over £20m. Yet last year, only £3.2 million was actually borrowed and by month 7 £7.6m spending had been re-profiled into future years' expenditure.

This Committee wishes to maximise the use of existing resources available to expand council housing. It is therefore requested, that as a matter of urgency, a report be brought to Housing & New Homes Committee, which:

1. Investigates obstacles to using available borrowing;
2. Explores additional capacity needed to achieve spending;
3. Provides a timetable which sets out how the current borrowing plans can be achieved across the next two years, without re-profiling."

6.19 Councillor Gibson stated that the council were not committing to use the resources provided by the Government, and by the council's projections those resources would not be used until 2022/23. That was too slow given the extent of the housing crisis. Meanwhile the council were not spending the borrowing it had agreed. The council had not got the capacity and were not able to deliver in the middle of a housing crisis. Councillor Gibson stressed that the city had the second highest level of rough sleeping numbers in the country. Meanwhile, social rented housing was being lost to Right to Buy. The council should be using the money available.

6.20 The Notice of Motion was seconded by Councillor Druitt.

6.21 The Chair responded to the Notice of Motion as follows:

**"Projects are considered by the Estate Regeneration Member Board from an early stage so the time span between being first discussed and a project completed can take a number of years. The complex and constrained nature of many of the sites means that different proposals for individual sites may also be considered by the board at different times. For example Buckley Close and Patchdean where a range different delivery options have been considered by the Board over time.**

**The HRA Borrowing Cap has meant that officers have needed to focus resources on developing the Joint Venture as an alternative delivery option as well as developing the direct delivery pipeline. This has now successfully been agreed and launched and the first three sites are being progressed that should deliver over 350 of the 1,000 planned homes.**

**With the prospect the HRA cap being lifted and some Members concerns at the higher cost of delivering smaller constrained sites, officers are developing the direct pipeline further with a focus of larger sites (10 homes and over). This work is ongoing and projects will be reported into the Board as they progress."**

6.22 The Chair agreed that a report back to Committee would be useful. Councillor Hill concurred. She stressed that the council were carrying out excellent schemes such as Lynchett Close, which had come in under budget. She hoped that as part of the review, officers would look at the process of how these schemes were reviewed. It was not right that schemes were reviewed by the Estate Regeneration Members' Board then forwarded to the Committee where members decided that they were not acceptable.

She stressed the importance of working collaboratively and stated that there needed to be acceptance that the cost of schemes would not always be as low as the committee would like.

- 6.23 Councillor Bell stated that he did not disagree. However, he had a problem with schemes that were unrealistic and cost too much for people to live in. There needed to be a realistic price and realistic liveable rent for tenants.
- 6.24 Councillor Hill made the point that the projects were discussed multiple times before they came to committee. There needed to be a process whereby concerns were raised a good deal earlier, so schemes were not developed that the committee were not happy with.
- 6.25 Councillor Moonan stated that Estates Regeneration Members' Board was clearly not working. This was the Forum whereby members would plan in a cross party way. If schemes were presented to the committee and rejected at that last stage then there would be a need to re-profile. There might be a need to re-think how the Estate Regeneration Members' Board worked. There was a desire to build homes in the city and a need to work together to achieve that aim.
- 6.26 Councillor Janio made the point that there were discussions taking place in many sub-groups in the council but in the end it was the executive Committees that made the decision. He felt that there was a failure to brief councillors adequately on items that were being submitted to committee. He suggested that if there was a contentious issue, members of the Committee should be briefed before the meeting. The Chair replied that this was exactly what happened already.
- 6.27 Councillor Druitt stated that there was £30 million worth of work that could have been achieved. He stressed that there was a growing homelessness problem and an urgent need for work to progress.
- 6.28 Councillor Gibson welcomed the debate. The fundamental problem was the extent to which the schemes were being re-profiled. He stressed that the Estates Regeneration Members' Board was not a substitute for the Housing & New Homes Committee. Three schemes had been delayed. These included Lychett Court where lower rents had been achieved. Rotherfield Crescent had yet to come back to Committee. The Living Wage Joint Venture had been delayed to make the scheme more affordable. Councillor Gibson was proud to be part of achieving lower rents on these homes and welcomed the opportunity to work together on this issue.
- 6.29 **RESOLVED:**
- (1) That the Notice of Motion be noted.
  - (2) That a report be brought to the Housing & New Homes Committee as outlined in the Notice of Motion.

## 7 LEASEHOLDER ENGAGEMENT

- 7.1 The Committee considered a report of the Executive Director, Neighbourhoods, Communities & Housing which looked at how the council currently engaged with leaseholders and proposed ways in which this engagement could be improved, concentrating on improving customer service, better communication, value for money and greater engagement on planned major works. The report was presented by the Head of Housing Strategy, Property & Investment, accompanied by the Leasehold Services Manager.
- 7.2 Members were informed that the Leaseholder Action Group had endorsed the report and it was acknowledged that there was a need for officers to keep working with this group. The Executive Director for Neighbourhoods, Communities and Housing read the following email from the Chair of the Leaseholder Action Group as follows:
- “The Leaseholder Action Group unanimously endorse the leaseholder engagement report and appreciate all the engagement and consultation undertaken by Larissa Reed and her team, Martin Reid, and Glyn Huelin during the preparation of the report. This report sets out proposals for a complete overhaul of the way Brighton & Hove housing engages with its leaseholders and is a starting point for future productive discussion on the scope and detail of implementation and hopefully the beginning of a new era where Brighton and Hove housing are not just technically robust in compliance with leaseholder legislation but set best practice to the sector. The leaseholder Action Group is looking forward to participating in the implementation. The Leaseholders Action Group also feel that the workshops with officers and elected members monitoring progress on leaseholder engagement and on the review of the new maintenance contract are very useful and productive. Finally the Leaseholder Action Group welcomes the report and the new spirit of engagement.”
- 7.3 Councillor Atkinson welcomed the positive response from the Leaseholder Action Group. He thanked officers for the report and the solid list of practical measures on pages 47 and 48. In terms of engagement and communication prior to major projects he requested more accessible language to be used when communicating with residents. Officers present endorsed the need to improve communications.
- 7.4 Councillor Gibson welcomed the report and the process of engagement which was a positive step forward and had led to a good set of practical measures. He paid tribute to the Executive Director, Neighbourhoods, Communities & Housing who had driven this work forward. He welcomed the overwhelming endorsement of the Leaseholder Action Group. Councillor Gibson expressed one concern. He referred to page 55 of the report which stated that council loans had a variable interest rate, currently 4.83% when leaseholders were struggling to pay large bills (as high as £30,000 in one case) Councillor Gibson could not understand why the council could not be a bit more helpful and offer a lower rate given that the council could borrow at a considerably lower rate than the 4.83%. The Leasehold Services Manager explained that repayment over a period of 5 or 10 years was one option. In the past officers had worked up a number flexible payment options which were designed to address leaseholders with high major works charges of £5,000 or above to keep them in their homes. In those situations there were deferred payment loans, and there were a number of different options such as

paying over a period of time without interest. Officers did not rule out looking at this again and talking with accountants with regard to interest rates.

- 7.5 Councillor Hill welcomed the report. This was a transparent process and the correct direction to proceed.
- 7.6 Councillor Bell welcomed the report and the email from the Chair of the Leaseholder Action Group. He was pleased that the Leaseholder Action Group felt they had been listened to and were supportive of the report. Councillor Bell referred to paragraph 3.4 on page 44. This stated that “The leases, with the exception of most leases created before 1987, include a provision to contribute towards works of improvement.” Councillor Bell asked how many residents of leasehold properties were exempt from paying any contributions to improvements to their properties. He referred to paragraph 3.15 on page 45 and asked how many people had taken up the flexible terms. Councillor Bell congratulated officers for recognising that there was too much reliance on meetings, and that they needed to carry out consultation (paragraph 3.22). The Leaseholder Services Manager explained that paragraph 3.4 referred to Brighton leases created before 1987. This would be around 100 to 120 leases. Information on how many people had taken up an equity loan agreement would be sent to Councillor Bell.
- 7.7 Councillor Janio thanked officers for the report. He was pleased to see that efforts had been made to engage with leaseholders. Councillor Janio noted that the report had not suggested that the council, leaseholders and contractors should be part of a co-operative agreement. Leaseholders tended to think that the council and contractors were in this together against the leaseholders. He noted that there was no mention in the report of external validation or checks that work had been carried out to validate the dispute that could be going on. The Head of Housing Strategy, Property & Investment explained that part of the process was to improve some of the criticism there had been in the past from leaseholders. In terms of checking the works officers had tried to outline that the council’s own quantity surveyors and surveyors checked 100% of major works. Sometimes audit would double check those works as well. Around 60% of planned works were checked. Officers were trying to improve engagement with leaseholders by having much earlier conversations.

7.8 **RESOLVED:-**

- (1) That the committee notes the practical measures to improve engagement with leaseholders set out in paragraphs 3.29 to 3.40 and supports their implementation.

**8 PROCUREMENT OF HOUSING SERVICES FIRE ALARM SYSTEM SERVICING, MAINTENANCE, DESIGN AND INSTALLATION**

- 8.1 The Committee had before them a report of the Executive Director, Neighbourhoods, Communities & Housing which sought authorisation regarding recommendations in section 2 of the report for the approval of a contract for fire alarm servicing, maintenance, design and installation across the Council’s social housing properties to ensure the safety of the tenants and leaseholders in relation to fire safety.

8.2 **RESOLVED:-**

- (1) That the Committee grants delegated authority to the Executive Director for Neighbourhoods, Communities and Housing to take all steps necessary to:
  - (i) Procure and award a contract for the fire alarm servicing, maintenance, design and installation across Council housing properties for a term of three years;
  - (ii) Approve an extension(s) to the contract referred to in 2.1(i) above for a period of up to two years following the initial three year term, subject to satisfactory performance by the provider.

## **9 PROCUREMENT OF A NEW CONTRACT FOR PARKING ENFORCEMENT ON HOUSING LAND**

- 9.1 The Committee considered a report of the Executive Director, Neighbourhoods, Communities & Housing which sought approval and authorisation with regard to the recommendations in section 2 of the report to undertake competitive tendering for the provision of an off street parking enforcement service to cover car parks and garage sites on Housing land. The existing contract for parking enforcement on Housing land was due to expire on 30 November 2018. The report was presented by Housing Services Operations Manager.
- 9.2 Councillor Atkinson referred to recommendation 2.2 (i) and paragraph 3.9 regarding a task and finish group. He asked how these paragraphs aligned with each other. Councillor Atkinson also requested that road markings and signage were made clear. The Housing Services Operations Manager replied that paragraph 3.9 referred to the Task and Finish Group. The paper had been taken to the Housing Area Panels and it seemed sensible for the residents to review the work. She agreed that there should be clearer signage.
- 9.3 Councillor Moonan referred to the finances. The HRA received 13% of the revenue and the report indicated that that was likely to increase. She asked how much it was likely to increase. Councillor Moonan noted that the estimated contract was worth £47,000. She asked if that was net or profit after the provider had taken out their costs and did the council take 13% of that £47,000. Questions were raised as to how much profit was appropriate and to what extent could it be benchmarked against other services. The Housing Services Operations Manager explained that officers were seeking advice from the Procurement Team, looking at comparable services with other local authorities. She could not say at the moment what the increase would be. In terms of the £47,000 and the income that goes to the contractor, she could confirm that they would receive all the revenue that they collected. The Housing Services Operations Manager understood that the council received 13% of the gross income but she could provide clarity about that.
- 9.4 Councillor Bell asked if the report would be coming back to committee for final sign off. He also requested a written response to Councillor Moonan's questions. The Housing Services Operations Manager replied that she would be happy to provide a written response to councillors and bring a report back to the Committee at a later date. The Executive Director stated that although a report could come back to Committee with details of the offer, she stressed that the procurement rules were set out in a very specific way and the details might have to be anonymised.

9.5 Councillor Gibson drew attention to the reference to the contractor collecting charges and fines. He asked for it to be confirmed that this was not the permit payment that would go to the HRA. With regard to the payment for the permits, Councillor Gibson stated that the regular charge for a council tenant per year for a parking space worked out at around £340 a year. Meanwhile in a CPZ a resident could be paying £130 for a parking space. Councillor Gibson was concerned that the council were charging so much to tenants. Councillor Gibson welcomed the Task and Finish Group which would look at charges, and asked officers to look at this issue to ensure this was affordable to tenants. The Housing Services Operations Manager explained that the income from the rental from bays and garages went to the HRA and did not go to the service provider. Permits and charges would be reviewed by the Task & Finish Group. These spaces were dedicated spaces which was different to the CPZ which was uncontrolled parking.

9.6 Councillor Gibson asked for clarity regarding a situation where an area was surrounded by a controlled parking zone. He asked if tenants would still be allowed to access permits in those zones. It was explained there had been issues in the past in the Hanover and Elm Grove area, however tenants could now apply for permits in the CPZ.

9.7 **RESOLVED:-**

(1) That the Committee grants delegated authority to the Executive Director for Neighbourhoods Communities and Housing to take all steps necessary to:

(i) Procure and award a contract for off street parking enforcement to cover car parks and garage sites on Housing land for a term of four years;

(ii) Approve an extension to the contract referred to in (i) above for a period of up to 1 year following the initial four year term, subject to satisfactory performance by the provider.

**10 UPDATE HOUSING MANAGEMENT IT SYSTEM PROCUREMENT**

10.1 The Committee had before them a report of the Executive Director, Neighbourhoods, Communities & Housing which provided an update on progress made on the report the Committee received on 14 June 2017 recommending that the Executive Director Neighbourhoods, Communities & Housing be granted delegated authority to test the market and procure a new housing management IT system for council housing services.

10.2 **RESOLVED:-**

(1) That Housing & New Homes Committee note the contents of this report.

**11 INDEPENDENT REVIEW OF EXISTING PARTNERING CONTRACT FOR HOUSING REPAIRS, MAINTENANCE, PLANNED AND MAJOR WORKS**

11.1 The Committee considered a report of the Executive Director, Neighbourhoods, Communities & Housing which provided details of the independent review of the council's partnering contract with Mears Ltd. The council had commissioned the review of the partnership to identify further improvements that would benefit the partnership,

residents and stakeholders. The review included consideration of the current working arrangements, reporting processes and interactions between Council and Mears staff and potential recommendations as to how the partnership could be improved and strengthened moving forward. The report was presented by the Executive Director, Neighbourhoods, Communities & Housing accompanied by the Head of Housing Strategy, Property and Investment and Lucas Critchley, Managing Director, Mears Group.

- 11.2 The Executive Director informed members that key findings were set out in paragraph 3.10 of the covering report (Section 2 of the 31ten report). The 31ten report which was commissioned a year ago had assisted the council and Mears to move forward and improve service delivery. The report had enabled officers and members to properly review the contract and showed that the majority of actions taken with Mears were successful. However there was still a need to work to improve certain areas.
- 11.3 Lucas Critchley, Mears stated that he was pleased to see some of the findings of the report and to have independent ratification of some of the successes of the contract. It was the hard work of Mears staff allied to the hard work of council officers that had achieved these successes. A great deal had been achieved over the last year with regard to collaborative working, relationships with council officers and Mears staff, and co-location. Efforts would be made to make more improvements over the last two years of the contract.
- 11.4 Councillor Atkinson found the report well written in plain English. He noted that there had been 100% decent homes achieved, tenant satisfaction had improved, time taken for repairs had reduced and the contract had performed financially in most areas; however, the key failings were very worrying. He particularly noted that the contract was not geared towards a capital improvement programme. Page 97 of the agenda (page 13 of the report) stated that relationship issues had existed through the life of the contract. Councillor Atkinson questioned why this had not been picked up on over the last 8 years. Page 99 stated that many of the issues identified were well established before the overcharging came to light. Page 100 talked about the greater level of contract management potentially replicating roles already undertaken by Mears. He stressed that regular and unannounced checking and scrutiny of repair maintenance and capital works were surely central to any contract of this nature. Page 102 mentioned numerous examples on both sides of people management and performance issues. However the recommendations were wide ranging and constructive and hopefully could be delivered over the next two years to the benefit of both sides of the partnership and for local tenants and leaseholders. It also gave a good foundation to look at the next contract.
- 11.5 Councillor Gibson stated that the report was very important and he welcomed that it had been made public. It was vital that it was studied carefully and lessons were learnt. He welcomed the action plan and that fact that it was already being implemented. The key sentence was "full potential was not realised" There was a need to consider why the full potential was not realised and to be concerned about some of the failures that had been outlined. Councillor Gibson made the point that partnering arrangements required respect and trust in addition to shared objectives. Paragraph 2.9 of the report referred to a breakdown of trust. Councillor Gibson was concerned that price per property was never developed. A key factor in trying to access value was tenant satisfaction. The report talked about excellent delivery of day to day repairs. Councillor Gibson urged



caution over some of the figures quoted and felt that a better measure of satisfaction was the Star Survey which looked at the satisfaction with the last repair undertaken.

- 11.6 The Executive Director responded to the questions regarding the spirit of partnership and trust. She stressed that the report was written a year ago and it looked backward. The partnering contract was a new experience for the council. In the past the council did not have the officer skills or understanding or experience to deal with a partnering contract, which did have a level of trust attached to it. The council then took that partnering contract to mean that it stepped back and the contractor was left to implement it. The Executive Director stressed that now there were fortnightly repair's meetings with regular contact at all levels. That trust had been built. It was something that should have happened a long time ago. She was confident going forward that that the council did know what was going on with the contract. The council now had more staff that did look at the way the contract was being operated and did take a role in checking the contract. The risk of publishing the report was that everyone would presume it was a picture of today. It was in fact a review of what has happened. Going forward the Executive Director was confident that there was a spirit of partnership and trust between the two organisations.
- 11.7 Councillor Bell stated that there were shortcomings on both sides of the partnership. His concern was that he could not see mention of a stock condition survey in relation to the existing contract. The Executive Director stressed that having a stock condition survey carried out by Mears as part of this contract would have been criticised. However, the council did have a stock condition manager and a stock condition survey which it updated on a rolling programme. Whether the council should have a full stock condition survey carried out or whether it should have a rolling programme of 20% independent stock condition survey was something that could be discussed. However, a report would need to be submitted to the committee as the cost would be high.
- 11.8 Councillor Moonan welcomed the report which had a lot of positives and negatives. The contract had not been monitored as closely as it should have been over the last 8 years. She was heartened that the partnership working had improved. There was a need to take learning from this report into the re-procurement of the next contract.
- 11.9 Councillor Druitt referred to the action plan. He asked what if anything was the council adding to the action plan that was already in place, as a result of learnings from this report. Councillor Druitt referred to the introduction to the report. It seemed that the first mistake that the council made was thinking that this was going to both save money and improve things dramatically. He acknowledged that there had been very good improvements to decent homes standards but the two main objectives on paragraph 1.2 of the review were to exceed decent home standards and to save the council money. It was not often that a contract could both improve things and save money at the same time. Councillor Druitt considered that in trying to save money a few corners had been cut. The report referred to the misalignment of objectives. He stressed that there needed to be more alignment in designing a new contract. Paragraph 2.9 of the review on page 93 referred to the regular loss of key council staff. What could the council do when key staff left? Councillor Druitt felt that the contract scored its own homework and that work needed to be independently assessed. The report referred to shortcomings in long term projects. Councillor Druitt asked how the council could create a better contract that was more long term and dynamic.

- 11.10 The Executive Director stressed that the report did not say that anyone had cut corners. The report had talked about the contract having two main objectives to exceed decent homes standards and save money and both of those has been met. The Executive Director stated that to avoid issues such as of lack of trust and contractors marking their own homework, there needed to be an awareness of those issues to avoid the issues happening again in the new contract. She stressed the need to work with tenants and leaseholders and ask them what they wanted in the new arrangement. With regard to key staff leaving, there were now measures in place to ensure those members of staff met with key officers involved in the contract and passed on knowledge before they left. Everything was documented. The Executive Director did not think there was anything else to be added to the action plan. The action plan had given the council the evidence and the independent review to be able to take things forward.
- 11.11 Councillor Janio expressed concern about single monopoly provision. He stressed that the reason the council decided to award the contract with Mears had been related to the decent homes standard and the stock transfer. He urged the committee not to have a single contractor who provided everything. There needed to be a fully contested contract.
- 11.12 Lucas Critchley stated that at the start of the contract the objectives had been very clear and both sides were working very hard to achieve them. Because decent homes standards, cost savings, and service improvements were improved early on in the contract it was fair to say there was a period of drift. However, those benefits and achievements did not stop at that point. Decent Homes standards were maintained. The cost savings be it from the initial reorganisations or through day to day efficiencies continued year on year through the life of the contract and they were significant. Mr Critchley agreed that shared objectives were key to a partnering relationship. Meanwhile, performance targets were revised yearly. There were many opportunities for the council's next contract to be more dynamic and look at things in different way.
- 11.13 **RESOLVED:-**
- (1) That Housing & New Homes Committee
- (i) Note the 31ten report on the council's partnering contract with Mears Limited attached in Appendix 1 to this report;
  - (ii) Note that the parties have made progress on the action plan recommended in the 31ten report, as outlined in the body of this report;
  - (iii) Agree that work on the action plan should continue in the interests of improving and strengthening the council's partnership with Mears Limited.

## **12 UPDATE ON OPTIONS PROGRAMME FOR FUTURE DELIVERY OF HOUSING REPAIRS AND MAINTENANCE**

- 12.1 The Committee considered a report of the Executive Director, Neighbourhoods, Communities & Housing which updated members on progress with the options programme for delivering housing repairs, maintenance, improvements and capital works post April 2010 when the current contractual arrangements expired. Trowers and Hamlins & Savills were commissioned to jointly produce an initial options report. This was attached as appendix 3. The report was supported by a Matrix which set out the

options available for the future delivery of the service (appendix 1) and an executive summary was attached as appendix 2. The four options set out in the report were:

- Direct delivery of the service
- Outsourcing
- Wholly-Owned Subsidiary/Managed model
- Joint Venture Company

- 12.2 The report was presented by the Business & Performance Manager and the Partnering Project Manager.
- 12.3 Councillor Atkinson thanked officers and stated that the report was a good basis for future discussion; however whatever option was chosen he was wary of sub-contracting.
- 12.4 Councillor Bell mentioned that there were a lot of negatives with regard to EU compliance. However after 29 March 2019 this would not be an issue. Councillor Bell's main concern was the future of the Housing Centre in Moulsecomb. The Business and Performance Manager explained that there would be a short briefing for members with regard to the Housing Centre. It was explained that the council held a 20 year lease for the Housing Centre with 12-13 years still to run. All contractors who worked for the council occupied the building under licence.
- 12.5 Councillor Hill found the report very useful and detailed. She stressed that the committee might need to come to terms with the fact that its preferred options were too expensive, compared with what had been done to date. The committee may feel that it was worth paying more to do things differently and it might not be in a position to do things better and also pay less. Councillor Hill referred to paragraph 12.1.3 of the options report which set out a different approach to sub-contracting. Instead of trying to avoid it altogether the council might want to embrace it as something that is inevitable and try and bring in sub-contractors. It would be useful to gain the views of tenants and residents. The report was a useful step forward.
- 12.6 Councillor Druitt stated that it would be interesting to see if there could be more than one provider of services. Things could be done in a more efficient way and the council could look at creating a system of looking at properties holistically. There were ways of saving more long term. Some of the disadvantages set out for different options did not seem to be massive obstacles.
- 12.7 The Business and Performance Manager referred to the matrix on page 127. The current contract with Mears was broad in scale. Officers were looking at opportunities to split the contract. He stressed that there was a risk of costs increasing in most circumstances.
- 12.8 Councillor Gibson agreed that the report was comprehensive and the executive summary and matrix were very helpful. He considered that Councillor Hill had made an important point and that there might be a need for considering if there was a need to be paying more. It would be interesting to explore splitting functions. Direct delivery was attractive as it would not involve making a profit and there was no risk of contract insolvency. It could lead to positive relations with tenants. Councillor Gibson referred to the matrix – service objectives and asked about communal areas. Another objective was that the contract was more responsive to tenant's aspirations. He mentioned the option

of residents having work carried out as required. This was more in tune with what tenants would like to see. It was a massive project ahead and he would welcome a workshop. Councillor Gibson was interested in the service objective – maximise social value. There was need for more detail and more options for achieving that objective.

- 12.9 The Business and Performance Manager agreed that external areas needed to be included and tenants and leaseholders consulted. With regard to tenants' aspirations, the Partnering Project Manager had carried out a lot of work, with visits to other local authorities to see a different approach. This would be included in the September report, along with advice on social value.
- 12.10 Councillor Janio agreed with Councillor Gibson's comments. He considered the report to be well written and easy to understand. He made a point with regard to resident engagement activity. If officers only listened to views of residents who attended meetings they might not get a full range of views. He encouraged officers to go out and engage as much as possible. Councillors would support what residents wanted. The Business and Performance Manager replied that officers were carrying out a great deal of work on how to engage with tenants and leaseholders. He was happy to brief members on that issue.
- 12.11 The Chair stated that the report was well written. She explained that she along with Councillors Gibson and Councillor Mears were looking at all aspects of the contract at the Members Procurement Advisory Board.
- 12.12 Councillor Moonan remarked that the council had improved the contract considerably since it was first set up. She liked the report which provided early scoping. She stressed that it was very important to support tenants to be involved in the process.
- 12.13 Councillor Bell stated that when the contract was awarded it was confirmed it was the right decision and had saved the council about £100 million. The management of the contract at that time was flawed.
- 12.14 **RESOLVED:-**
- (1) That committee notes progress with the options programme for the future delivery of repairs, planned maintenance and capital works for the Council's housing stock, as detailed in the body of this report.

### **13 EVICTIONS FROM TEMPORARY ACCOMMODATION UPDATE**

- 13.1 The Committee considered a report of the Executive Director, Neighbourhoods, Communities & Housing which explained that the March 2017, Committee had requested a report looking into evictions from Temporary Accommodation and whether there is evidence to support the assertion that residents in temporary accommodation that lodge complaints about disrepair or staff conduct at their temporary accommodation are vulnerable to eviction. The report was presented to the Housing & New Homes Committee in June 2017, when it was agreed that this would be reviewed after a year. The current report was the outcome to the review. The report was presented by the Head of Housing Needs, accompanied by the Housing Options Manager and Simon Gale, Operations and Hub Manager of Justlife. Justlife had been commissioned by

Brighton & Hove Clinical Commissioning Group to provide support to people in emergency accommodation. Section 3.3 of the report provided an analysis of evictions.

13.2 Councillor Gibson proposed the following amendment:

“Add recommendation 2.2 as printed in bold italics below:

***2.2 That Housing and New Homes Committee:***

- ***Welcomes progress made in reducing evictions in temporary Accommodation***
- ***Seeks to make further reductions over the current year***
- ***and that the Committee will continue to receive updates on evictions in temporary accommodation, with a report on progress provided in a year’s time.***

13.3 Councillor Gibson welcomed the progress outlined in the report and paid tribute to the residents in temporary accommodation who had started the process. He thanked the residents, the officers and Justlife for taking this forward. Councillor Gibson stated that his research on eviction rates showed that the eviction rate for council tenants over a year was about 0.1%. Temporary tenants in Seaside Homes had an eviction rate of 0.6% over a year. In the case of private providers, if the evictions were calculated in a comparable way, in terms of the number of properties there were over a year, the figure was approximately 7.7%. The figures in the report were less as it looked at the number of placements. That was much lower than it was a year ago but there was still scope for improvement. The Temporary Accommodation Action Group had proved effective and had provided useful networking opportunities.

13.4 The Head of Housing Needs referred to Councillor Gibson’s figures regarding council tenants and Seaside tenants compared to emergency accommodation residents. It was stressed that it was different because a significant number of people in emergency accommodation were waiting for supported accommodation and their ability to manage in emergency accommodation was different to those in council tenancies and in Seaside tenancies which was long term accommodation for people who were accessed to be able to manage in general needs accommodation. People in emergency accommodation generally had much higher complex needs, and evictions would be expected to be higher as a result. The reason officers looked at the number of placements rather than the number of properties was because the council had several placements. Several households would be placed within the space of a year, in the number of properties in emergency accommodation.

13.5 Councillor Gibson agreed that it was an important point that some people were going on to supported accommodation and were likely to have higher needs. The reason he researched the figures was to make it comparable to the rates. Many people did go from emergency or temporary accommodation in Seaside Homes which was also classified as temporary accommodation and there was relevance in that comparison. He did however accept that the rate was likely to be higher than the rate for Seaside Homes. The other factor he was trying to highlight was the management of the accommodation.

- 13.6 Councillor Moonan thanked and acknowledged the tenants who had brought this issue to the Committee's attention and thanked the officers for the report. She was pleased to see a representative of Justlife at the meeting, and acknowledged the contribution they had brought to supporting tenants in emergency accommodation. The report pointed out that welfare officers were going into emergency accommodation and were starting to have a real impact. Councillor Moonan reported that the council had been successful in receiving funding of £34,000 from the government focusing on rough sleeping. This would add to the body of support for vulnerable people. With regard to the amendment she agreed that the Committee should seek further reductions in the number of evictions. However, she stressed that sometimes an eviction or moving people to another emergency accommodation was necessary in cases where people were being very violent and police were being called. The council had a duty to all the other residents. A future report would be welcome and the labour group would support the amendment.
- 13.7 Councillor Druitt seconded the amendment. He stated that it was a good report and noted that i) 18 months was the average stay in emergency accommodation. He asked how that compared with previous years ii) With reference to paragraph 3.3.5, which stated that "We could find no record that any of the households evicted had reported that repairs were needed to their property or had made any complaints." Councillor Druitt pointed out that there had been people at the Committee alleging that they had been evicted following a complaint.
- 13.8 The Head of Housing Needs stated that the average time for a person to remain in emergency accommodation was around 18 months. Emergency accommodation was never designed for people to be there for that length of time. Until approximately two years ago people were in emergency accommodation for about 6 months. The reason for the increase was due to more and more people requiring accommodation during a difficult housing market. However, numbers had been stable over the last year due to early intervention and people having a personal housing plan. Meanwhile, the allocations policy was being changed to give priority to those in emergency accommodation. There had also been success in getting people housed in the private rented sector. There had been considerable activity in attempting to bring down the numbers in emergency and temporary accommodation.
- 13.9 The Housing Options Manager referred to the issue of people alleging that they were evicted following a complaint. This was an issue addressed in a report a year ago. Officers had not been made aware of any allegations.
- 13.10 Simon Gale, Justlife thanked the residents groups involved in bringing the Temporary Accommodation Action Group to the forefront. That had been very powerful and it was something Justlife were proud and privileged to be involved with. There had been success in bringing all the stakeholders into the same room whether that was residents, support services, the local authority, and the accommodation providers. Mr Gale agreed that there had been many improvements in the way that the accommodation providers worked with Justlife as a service provider and the way Justlife worked with the local authority. A working group was looking at the number of evictions and was trying to agree together what common reasons there would be for evictions. Justlife were happy to continue developing the Temporary Accommodation Action Group.

13.11 The Committee voted on the amendment as set out in paragraph 13.2 above. This was agreed unanimously. The Committee then voted on the recommendations as amended. These were unanimously agreed.

13.12 **RESOLVED:-**

- (1) That Housing and New Homes Committee note the findings of the report.
- (2) That Housing & New Homes Committee:
  - Welcomes progress made in reducing evictions in temporary accommodation.
  - Seeks to make further reductions over the current year:
  - and that the committee will continue to receive updates on evictions in temporary accommodation, with a report on progress provided in a year's time.

**14 ANNUAL REPORT 2018**

- 14.1 The Committee considered a report of the Executive Director, Neighbourhoods, Communities & Housing which presented the draft Annual Report 2018 to council tenants and leaseholders. The regulatory framework for social housing in England from the Homes and Communities Agency set out the requirements for the areas that must be covered in the report. These included information on the repairs and maintenance budget, timely and relevant information, and support for tenants to build capacity and be more effectively involved. The report was presented by the Head of Income, Involvement and Improvement.
- 14.2 Councillor Bell thanked officers for the report. He queried the third page of the Annual report (page 217 of the agenda) which stated that the Housing Customer Services team took 135 calls every working day. It was explained that the number of calls was correct in terms of the Customer Services Team. This did not mean that there are no other calls coming to Housing Services. Management tried to ensure that staff knew that they were not judged on the number of calls but on the resolution of problems.
- 14.3 Councillor Atkinson thanked officers. He referred to page 5 of the Annual Report (page 219 of the agenda). He had recently seen a local news report which had confused empty council properties with empty private properties. He stressed that the Empty Property Team carried out very good work.
- 14.4 Councillor Druitt praised the report and stated that he liked the way the information was laid out in an accessible way; however, he noted that there were no photographs apart from the Chair. Reference was made to the pie chart on the last page of the Annual Report. Only three areas of spend were mentioned on the pie chart and Councillor Druitt asked for more detail on spend. It was explained that the Annual Report would be an insert in "Homing In", which would have more photographs and would use people's names with permission. With regard to spend, officers had consulted residents and they had requested "at a glance" information. More detailed information was to be found on the council's website.

14.5 Councillor Hill drew attention to page 2 of the Annual Report (page 216 of the agenda) which highlighted the main improvements. She stressed that it was important that people knew what the council was doing with their money. Excellent work was being carried out, and two extra members of staff had been taken on to deal with problems connected to Universal Credit. Councillor Hill referred to page 5 of the Annual Report (page 219 of the agenda). This referred to window replacement work in Woodingdean. Councillor Hill asked for reassurance that it was not just pressure from residents in a particular area that led to officers prioritising works. The Head of Income, Involvement and Improvement explained that the decision to carry out works was not purely based on feedback from residents. The windows in Woodingdean were not water tight. There was a process in dealing with planned work.

**14.6 RESOLVED:-**

(1) That the Housing & New Homes Committee approves the draft Annual Report 2018 to council tenants and leaseholders (attached as Appendix 1). The final version of the report will be sent to all residents with the summer edition of Homing In and will also be available to view on the council's website.

**15 HOUSING MANAGEMENT PERFORMANCE REPORT QUARTER 4 AND END OF YEAR 2017/18**

15.1 The Committee had before them a report of the Executive Director, Neighbourhoods, Communities & Housing which covered Quarter 4 of the financial year 2017/18 alongside year end results. The report was attached as Appendix 1 and there were also appendices providing benchmarking information from Housemark (appendix 2) and additional information about asbestos and legionella safety (appendix 3).

**15.2 RESOLVED:-**

(1) That the report along with the comments of the Committee be noted.

**16 ITEMS REFERRED FOR FULL COUNCIL**

16.1 Item 11 – Independent Review of Existing Partnering Contract for Housing Repairs Maintenance, Planned and Major Works was referred for information to Full Council by Councillors Gibson and Druitt.

The meeting concluded at 7.39pm

Signed

Chair

Dated this

day of