

Questions from Residents

Items from the Central Residents Only Meeting 10/1/19

Question: Housing Revenue Account (HRA Budget)

Cllr. Gibson was invited to the meeting to talk about the 2019/20 HRA budget, as part of a process of involving tenants more in decisions about how their money is spent.

He highlighted some main points from the budget proposals. The issues raised were discussed by the meeting, and it was agreed to raise the following points as a contribution from tenants to the HRA budget discussion:

- a) Tenants would like to see more new homes, and support more spending and borrowing to fund this.*
- b) Tenants would like to see improvements to the stock condition of present homes and support an increased Capital programme in order to finance this.*
- c) There was support for the new environmental budget, as long as residents are fully consulted on and involved in the process of allocating the money.*
- d) Central Area would like to see an increase in the Estate Development Budget funds available to them – they consistently have more requests than they are able to support.*
- e) There was support for the idea of a separate EDB budget for Senior Housing.*
- f) There was support for improved Wi-Fi in the communal areas in Sheltered Housing Schemes (this may already be budgeted for).*

Response

Thank you for your feedback on points covering a number of service areas. I have forwarded these to the relevant service managers, for their information.

Point c) will be discussed during the agenda item on the Environmental Improvement Budget and points d) and e) during the item on the work of the Estates Development Budget Review task and finish group.

Hilary Edgar, Housing Service Operations Manager, Telephone 01273 293250

Question: Consultation with non-resident leaseholders

Jane Thorp distributed a background paper on this issue. It was agreed to include the full paper in the minutes.

A non-resident leaseholder's experience of early consultation (this means consultation before the legal requirement period of a Section 20 notice) at Sylvan Hall Estate.

Early consultation with leaseholders is required of social landlords since the Hounslow v. Waaler case in 2017, where the council leaseholder, at the Court of Appeal, whose bill was £55K, won a reduction in costs of major works to her block. The judgement found 3 things wanting in the way Hounslow Council had conducted the works:

- 1) It was considered by the tribunal that there had not been enough consultation on the scope of works. (Please note that the legal minimum of a Section 20 notice had been observed.)*
- 2) It was considered that the sweeping up clause in the leaseholder's contract which allowed the council to charge for "improvements" was unreasonable, and this was overturned.*
- 3) It was considered that a leaseholder on a council estate should not have to pay what someone "in a Knightsbridge flat" would pay.*

In view of this case and the fact that it has a lot of bearing on how subsequent cases are decided, the council are now conducting what they call "early consultation" on major works. At Sylvan Hall, the first estate to have early consultation before the Section 20m notice, for one non-resident leaseholder, this consisted of:

- 1) **17 Sept 2014** - A questionnaire is issued which asked two questions: the first asked the leaseholder to prioritise what major works they thought were needed, the second asked them to prioritise what improvements they wanted to the neighbourhood. There was no mention of consultation, building surveys, or costs in the covering letter, but it mentions urgent works. This would seem to suggest that a survey has been done but it is not discussed, much less offered for viewing.*

- 2) **25 July 2016** - A notification by letter of a "Condition Survey of Firbank" to be undertaken on 2 August 2016. This survey was presumably done but never offered to the leaseholder.
- 3) **24 Sept 2018** - A letter entitled "Information about proposed external work at Elm Lodge" is issued which mentions: "previous correspondence and discussions about the major works we are planning to carry out at Elm Lodge". This is, in fact, the first and only mention of major works "planned" for Elm Lodge. The total cost of £150K is given (there are 6 flats in the block), and it states that, "structural surveying advice tells us that essential works are now required". Addresses and phone numbers are offered for "your views". "Individual estimated costs" will be on the Section 20 notice.

Consultation meetings are not mentioned in any of these letters. Surveys have clearly been undertaken on two blocks at Sylvan Hall but the results have not been offered to the leaseholder, who owns two flats at Sylvan hall in separate blocks. For Firbank there has been no further mention of works since 2016, and for Elm Lodge she was required to ring and make an appointment if she wanted to "inspect the specifications and costings".

A series of consultation meetings were held at Sylvan Hall. **These were requested by the Residents Association**, which is inclusive of tenants and leaseholders. The last meeting was at the end of December 2018. **The Residents Association are not responsible for driving consultation, the council are.** (There is a statutory obligation on the part of the council to have a Resident Involvement scheme, of which the Residents Associations are a part, and they encourage the RA site reps, who are volunteers, to do all of the work of driving it.)

The council did not contact the non-resident leaseholders about any of this in the full knowledge that the Residents Association would not have access to their postal addresses without paying the Land Registry for them.

*A Quantity Surveyor was offered to the leaseholders by the council as the residents were concerned about the need for the works. **A Quantity Surveyor measures cost not building needs.** Presumably, also, this survey cost the leaseholders at Sylvan Hall estate £5000 per block as has been recently quoted for Highden, Westmount, and Crown Hill.*

It was agreed to raise the following at the Area Panel:

- 1) Please tell us in detail how this could be called early consultation in the legal sense of discussing the survey recommendations, the proposals by the council to take up those recommendations, the scope of the works, and the proposed cost to the individual leaseholder.*
- 2) Please tell us how the questionnaire and the letter notifying the leaseholder of a condition survey can be described as “previous correspondence and discussions about major work”.*

Response

Thank you for your question. It may be helpful to clarify the understanding of the Court of Appeal decision referred to above.

The Court of Appeal in the case mentioned held that there was a real difference between work which the landlord was obliged to undertake and optional improvements. The judgement relates specifically to discretionary improvements. In those cases, the landlord must consider the interests of the leaseholders, their views and financial means.

The council is not generally proposing to undertake improvement works. For works of repair (even if these may coincidentally involve an element of improvement) leaseholders are already protected under existing legislation which includes that the costs are reasonably incurred, that the work is carried out to a reasonable standard and there is prior consultation on any proposal (Section 20 Landlord & Tenant Act 1985).

Having said that, the council has worked with the Leaseholders Action Group and the councillors' working group to commit to engaging with tenants and leaseholders at stages earlier than the issuing of a S20 notice which we have said should certainly not be the first leaseholders hear of work proposed by Brighton & Hove City Council.

Hence the pre-S20 correspondence detailed above which was sent to non-resident and resident leaseholders alike.

At Sylvan Hall, leaseholders have been, and are being, consulted prior to any S20 notice. Rowan and Hollybank are the first two buildings with active works proposals. This means engaging with the different options on cost or content of any programme that is required to keep the building in repair.

The same is now the case with Elm Lodge and The Willows where proposals are now being brought forward.

No other buildings on the estate are yet the subject of active work proposals, but when and if they are, then the council will engage with tenants and leaseholders at stages before a S20 notice is issued, including notification of any condition surveys to be carried out or questionnaires for feedback to register different views about the repair condition of the buildings and plans for future works to the buildings.

I hope this helps clarify the legal background and also how the council is seeking to engage with tenants and leaseholders on major projects.

**Martin Reid, Head of Housing Strategy Property & Investment, Telephone
01273 293321**

Items from the West Resident Association Meeting 8/1/19

Question: Estate Inspections and Resident Involvement

In the past, representatives from Residents' Associations have met regularly with officers for an Estate Inspection. These were useful as:

a) They were a constructive way of using local knowledge about the area and gave Residents' a useful role in the process.

b) When done well, they were an effective way of sorting out a variety of environmental, and other problems that can be difficult to keep on top of.

Estate inspections no longer happen and residents reported a deterioration in the local environment and maintenance of communal areas as a result. It was agreed to ask for the field officers to take over Estate inspections as part of their role.

Response

Field officers and the Future of Estate Inspections

A review of the Estate Inspection process was carried out in 2017-18. It was felt that it was not delivering the long-term improvements to neighbourhoods that we wanted and it did not fit well with the current staffing structure, following the redesign of Tenancy Services in October 2016.

The plan is to replace Estate Inspections with a new process, organised on a ward basis. This will be delivered by the Field Officer Team, as part of their community engagement brief from, spring 2019.

The 'Don't Walk By' policy will be relaunched in the meantime, outlining the importance of staff, residents and contractors taking responsibility for reporting repairs and other health and safety concerns in shared areas. It will provide guidance on how to report issues in and around council properties.

A Project Group is finalising the new process, which will be the delivery vehicle for the Environment and Open Spaces element of the Neighbourhood Action Plans. Residents will play a key part in the decision-making process for making improvements to their neighbourhoods.

Rachelle Metcalfe, Housing Manager, East Housing Team, telephone 01273 293196

Items from the East Residents' Only meeting 6/12/18

Question: Repairs service contract - oversight

At the meeting on 18th October there were concerns about oversight of the day-to-day repairs contract when it is brought in-house. The meeting wanted to know if there will be a Clerk of Works, or equivalent role, that will be responsible for checking work carried out by the in-house contractor. In addition, information was required on plans for external, independent oversight of the contract.

The meeting submitted this issue to the Area Panel, but due to the wording in the minutes there was some confusion and the issue of general oversight was not addressed in the written response provided.

The meeting decided to resubmit this matter to the Area Panel to ask:

- With the transfer to the in-house arrangements, what measures will be put in place to ensure tenants receive consistent standards, quality and value for money?*
- What provision will there be for independent oversight of the in-house repairs service by a person or body who is separate from and not employed by the council?*

Response

Thank you for your query regarding the future delivery of housing repairs and empty properties services. As part of the process of setting up the service between now and April 2020 the programme team will focus on many activities. One that is of huge importance is the processes in place to test value for money, productivity and quality of the in-house repair service for our tenants and leaseholders.

Satisfaction with the current service is high and we want to initially continue to deliver that high standard to our customers and look to improve satisfaction moving forward as the service continues to establish. Increased ownership over the service and a closer connection to the staff delivering it will provide opportunities to initially focus

on maintaining consistency in service standards and also make longer term improvements.

The method of reporting repairs, prioritising emergency jobs and staffing levels will not change or reduce as part of the creation of the in-house service. Our customer service promise and key performance measures will also remain in place to hold the in-house service to account.

Both tenants and leaseholders fed back through consultation on the service that they wanted to see more Brighton & Hove City Council employed staff checking and assuring the quality of repair jobs carried out. From April 2020 the quality assurance element of the service will be delivered through an in-house team.

As detailed in the report to Housing and New Homes Committee in September 2018 the council's in-house quality assurance service will include:

- A surveying team to check the quality of works carried out and test value for money (quantity surveyor, surveyor and clerk of works type activities)
- Project managers and specialists who would undertake commissioning of specifications and contract management activities

This will be the case for both the repairs service and also for quality assurance on other contracts let for the delivery of housing services.

With particular focus on the in-house repairs service the following is in response to Area Panel concerns:

1. Clerk Of Works and Quality Assurance

Quality assurance and checking of works will continue to take place in the new service. Supervisors who will be employed by Brighton & Hove City Council as part of the in-house repairs service will check at least 10% of the jobs carried out by operatives.

This will be combined with the council directly collecting satisfaction information on completed works from residents or commissioning this through an external survey.

The council's Internal Audit team are independent of the in-house repairs service and are working with the programme team to ensure that the methods for assuring the quality of works are robust and appropriate, they will also undertake regular audits of the service.

The council will also continue to work with Resident Inspectors to quality assure and feedback on the quality of the service.

2. External, independent oversight of the contract

As detailed in the report to Housing and New Homes Committee in September 2018 it is proposed that a comprehensive review of the service will be carried out at 3 and 5 years from the start of the new arrangements that will focus solely on the in-house repairs service. This will assess value for money, investment and growth opportunities, performance and satisfaction. This will be carried out independently of the service.

3. Value for money

Value for money will still be a key driver in measuring performance of the in-house service for repairs and maintenance. Costs will still be allocated to each job as currently with the system of Schedule of Rates codes (SORs). In addition to this the council will record information on the cost of materials, operative time and overheads such as fuel and vehicles.

We will work with other authorities to benchmark our costs and will continue to use performance indicators to measure value for money from the service.

Property and Investment will also work with the Home Service Improvement Group to provide on-going monitoring and review of the in-house service.

Contracts outside of the in-house service will also be reviewed for value for money and performance with residents through a similar structure to that currently provided by the partnership core group.

Sharon Davies, Business and Performance Project Manager, Telephone 01273 291295

Question: Resident Inspectors – information on cost of work

The role of Resident Inspectors is now well established, but there are some obstacles that prevent them being as effective as they could be.

In the past Resident Inspectors were provided with details of the jobs they were inspecting, including the cost of the job.

This was changed approximately 6 months so that they are no longer given cost information, which means that they cannot assess whether value-for-money has been provided.

The Resident Inspectors have asked for the provision of information on the cost of each job to be re-instated, and the meeting felt this is essential to their role.

The meeting decided to submit this matter to the Area Panel to ask what action will be taken by Housing to ensure Resident Inspectors can be provided with full details on the costing of each job they inspect so they can evaluate whether value-for-money is being provided.

Response

Thank you for your question and comments about the Resident Inspectors programme. This is a really valuable part of resident involvement for Housing and provides us with great feedback on the repair services we deliver from a residents' point of view. The council works closely with the Resident Inspectors group to steer this work.

We can provide the total cost of each job that is completed to Resident Inspectors in line with their inspections, this provides a good level of information for the inspectors to consider value for money alongside the objectives of the inspectors to consider the quality of works undertaken and the standards achieved.

Unfortunately we cannot provide a detailed schedule of rates breakdown of each individual element of the works as this information is considered commercially

confidential by our service providers. However the rates and value for money are reviewed by the council's Quantity Surveyors.

I will make contact with the officers who support the programme to ensure we do provide the total costs to Resident Inspectors as part of the information they receive when inspecting works.

I hope this answers the query but am happy to provide more information if the panel has further questions.

Glyn Huelin, Business & Performance Manager, Telephone 01273 293306

Question: Social Housing Green Paper

Two local residents attended a briefing in Hastings by the Housing Minister on the Social Housing Green Paper.

Some of the key proposals in the paper address issues of safety, with proposals to update the Decent Homes Standard to include a requirement to provide smoke detectors, carbon monoxide detectors and 'fire booklets' to advise tenants on how to prevent fires and what to do if one starts.

It is expected that these proposals will be included in a Social Housing Bill to be voted on in Parliament. The meeting felt that these safety issues are very important and that Brighton and Hove City Council should begin to consider how they will implement them once the Bill becomes law. These measures are routinely provided in new-build properties, but existing properties are not always brought up to scratch.

The meeting decided to submit this matter to the Area Panel to request information on what preparation the council is doing to ensure it will be able to meet the expected safety requirements for smoke detectors, carbon monoxide detectors and fire booklets once they become law for all properties (both new-build and existing).

Response

The council is aware of the potential changes in legislation that may occur following the Social Housing Green Paper consultation. In preparation, we have undertaken a mapping exercise to establish where smoke detection has been fitted. If guidance or legislation changes as a result of the consultation we will bring forward a policy to ensure the council's housing stock complies with the new standard.

We provide residents with information about fire safety in a number of different ways; at tenancy visits, updates at Area Panels and residents' meetings and through the council's website. We work closely on this with the East Sussex Fire & Rescue Service who also carry out home safety visits and if the property does not have any detection they will fit battery operated detectors free of charge. Appointments can be arranged by contacting 0800 177 7069.

Grant Ritchie, Lead Consultant - Health & Safety, Telephone: 01273 296806

Items from the North Residents Only Meeting 13/12/18

Question: East Central Moulsecoomb Tenant & Residents' Association

The dispute between the Council and East Central Moulsecoomb Residents Association was discussed in some detail at the last Residents Meeting. A proposal was put forward to the agenda of the Area Panel, but was rejected on the grounds that it was a 'live' issue.

An update was given to the meeting.

The council has de-recognised East Central Moulsecoomb Residents Association and stated that a former committee member of the Association is not permitted to attend council meetings due to a breach of the Code of Conduct.

Some meetings have been held between the Resident Involvement Team, Councillors and two former committee members of the Association. The outcome of these meetings has been that:

- *the Council has decided to de-recognise the Association*
- *the Association has decided to appeal the decision*
- *a deadline for the outcome of the appeal has been set for 19th December 2018 (date to be confirmed)*
- *the investigation into the matter is being carried out internally by the council*

Two former members of East Central Moulsecoomb Residents Association were present and raised some major concerns with the process. These were discussed and it was agreed that:

- *having a Residents Association benefits all the local people of an area and the city as a whole*
- *if the council is able to de-recognise Associations which have been elected by the local residents it will have a detrimental effect on all local residents*

- *the decision to exclude a former committee member from Council meetings should be discussed directly with the individual who is being excluded*
- *the council should recognise that this is a dispute between the Council and the Association and arrange for the appeal process to be managed by an independent body*

It was agreed that:

1. *This will be put forward to the agenda of the next Area Panel meeting, and that the concerns raised above should be considered by the meeting.*
2. *Larissa Reed, Executive Director of Housing, will be contacted and provided with copies of the minutes of the Residents Meetings of 1st November and 13th December, to advise her of residents' concerns in this matter.*

Response

The council's recognition policy for resident associations is in place to ensure groups that are involved in making decisions on behalf of residents are able to show they are democratic, accountable and representative. The council cannot support groups that don't meet this criteria. Before a group is 'de-recognised', associations and members are given the opportunity to discuss the issue giving cause for concern including how this can be put right. In some cases this might be through an apology, in others by the group undertaking training.

The East Central Moulsecoomb Tenants and Residents' Association (ECMTRA) was formally derecognised by the council at the end of last year as it didn't meet the standards set out in the recognition policy. The group can still continue, but it will no longer be supported by the council.

A letter was sent to all residents in the area of benefit informing them of this decision. They were advised that they would still be welcome to take part in residents' groups and activities. The council values its relationship with tenants and the importance this has to improving the services it provides. We will support residents who would like to form a new association in the area that works within the recognition policy.

Hilary Edgar, Housing Service Operations Manager, Telephone 01273 293250

Question: The repairs contract

The meeting felt that information about the new repairs contract, to start in April 2020, needs to be shared more widely with Residents Associations.

There was concern that the Briefing Paper presented to City Conference has not been circulated more widely.

There are also concerns that workers transferred over from Mears to the Council under the TUPE (Transfer of Undertakings (Protection of Employment) regulations) may face a reduction in their wages.

The meeting agreed to submit this to the agenda setting meeting to ask what plans are in place to ensure Residents Associations are fully informed of the continuing progress of arrangements for the new repairs contract.

Response

Thank you for your question.

Resident engagement has been a key part of shaping the options for the future delivery of services and something that the council wants to continue to do through the development of the new service and following the start of the service in 2020.

This round of Area Panels therefore has a paper on resident engagement arrangements that we have developed following questions like this from residents at Area Panel and discussions with the Home Service Improvement Group. I hope this sets out a positive way forward for residents from a wide range of groups to be engaged.

In terms of the other specific items in your question:

Concerns that the briefing paper to City Conference has not been circulated more widely.

This briefing paper was sent to all residents associations following City Conference and all of the information is on the following page of the council website -

<https://www.brighton-hove.gov.uk/content/housing/council-housing/repairs-and-maintenance-contract-options>

We have also included an update in the winter edition of Homing In and will shortly prepare further updates for residents across the city. This is something that we would like to do alongside residents as part of the engagement group for the service.

I will arrange for the briefing to be recirculated to all resident associations along with a short update.

There are also concerns that workers transferred over from Mears to the Council under the TUPE (Transfer of Undertakings (Protection of Employment) regulations) may face a reduction in their wages.

Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) safeguards an employee's employment rights in the event that their employment is transferred from one employer to another in a TUPE situation. We have provided Mears staff with a briefing on the decisions made about the delivery of the service from 2020 and worked with Human Resources colleagues to answer questions staff may have. This has included reassuring staff that employees will transfer over on their salary at the point of transfer.

I hope this information is helpful.

Glyn Huelin, Business & Performance Manager, Telephone 01273 293306

